

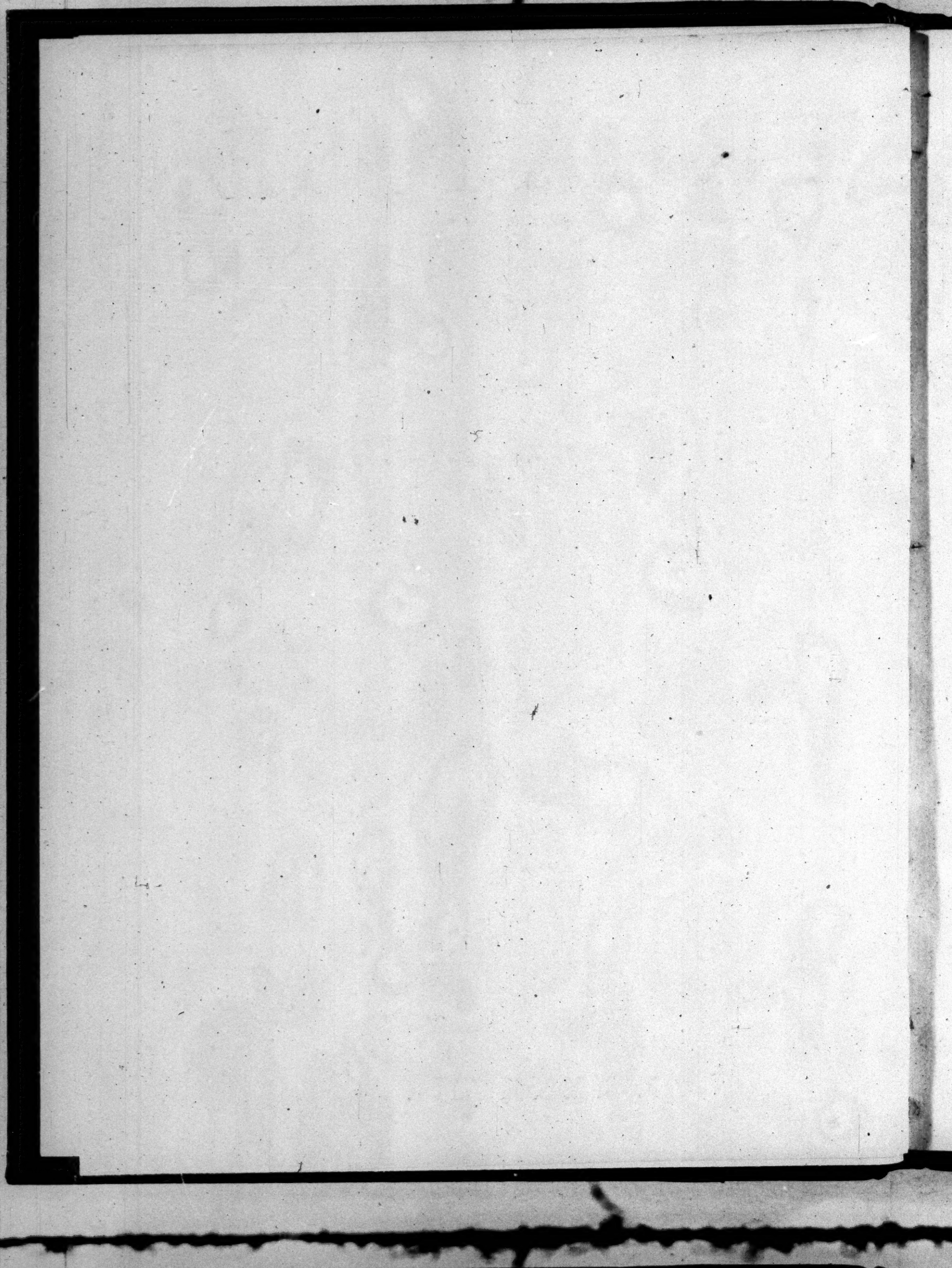
A TREATISE OF VSE AND CVSTOME.

Εὐλογίῳς ἀτυχεῖν, ἢ ἀλογίῳς δὺτυχεῖν.



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*Thy word is a lampe unto my fecte,
and a light unto my path.*

Ἔργον αἰδέομαι, ψυχῆς ἐνέργεια καὶ λόγον,
ἢ μὴδ' οὐ λόγον. Arist.

Mandetur typis hic liber, cui titulus est
[A Treatise of Use and Custome,]
modò intra 3. Menfes proximè se-
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Sa. Baker.

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A
TREATISE OF
VSE AND CVSTOME.

THat man is not made and brought forth into the World, to eat and drinke, and to take his ease, but for some better thing, is acknowledged by all men, who have any thing left in them of men, (that is, of rationall creatures;) and have not wholly degenerated into brutes. But whether *Action*, or *Contemplation*, bee the thing, wherein mans chiefeft happinesse in this world doth consist, hath beene a
A 3 question

A Treatise of Vse and Custome.

question of old, and is yet disputed of on both sides. To omit the ancient Fathers, because our purpose is not to insist long upon this point, (whose opinion neverthelesse if any desire to know, let him read them upon the words of Christ unto *Martha*, *Luke* x. 41, 42.) *Aristotle* and other Philosophers, that are for *Contemplation*, goe upon this ground: That the neerer every man comes unto God, by way of imitation, (as farre as by nature he is capable of it :) the more happy he is: that God doth enjoy himselfe in the fruition and contemplation of his owne goodnesse, infinitnesse, eternitie, and the like; and not in, or by any thing externall, that he doth cause, or produce without himselfe. On the other side it is alledged, That man, naturally, is *animal politicum*; that is, borne and brought forth into the World, not every man for himselfe only, but for the good of others also; and that it is one of the fundamentall principles of all publike-weales and societies of men, that the publicke is alwayes

wayes by every man, to bee preferred before his owne private, whether profit, or happinesse. Both which opinions may easily bee reconciled, if both be acknowledged (as I thinke they must of necessity :) in their severall respects to be true. For certainly, if man bee absolutely and barely by himselfe considered, as a *rational* creature, then *Contemplation*; if, as naturally *sociable*, having relation to the World as a Citie, then *Action* is his end. *Action* then his end; yet, even then, not *action*, without all manner of *Contemplation*. For as we commonly say of the *Sciences*, that some are *speculative*, and some *practicall*; so is it of contemplation too: Some contemplation is meerely *speculative*; and so it is opposed to *Action*: some may be termed (though there may seeme to bee some contradiction in the termes:) *active*, or *practicall*, because it is the ground and foundation of all actions, that tend to happinesse. For they are not all actions in generall, that make men happy; but such onely, as are good and
vertuous.

vertuous. Which are such, and which are contrarie, cannot bee knowne without the knowledge of good and evill. Neither is this knowledge (in this state of corruption :) to bee attained unto without much studie and contemplation. And this, all Divines and Philosophers assent unto, that it is not enough, that what wee doe bee laudible of it selfe, and as the Schoole men speake, *materially* good ; except wee know it to bee so, and doe it upon that ground. Then, and not till then, is our action, as it is ours, truely good and commendable. Hence it is, that in the opinion of *Aristotle*, (the great wonder of Nature :) a learned and well grounded Physician, though missing of his end, is more praise worthy, then an ignorant Empiricke that hath good successe ; because, saith hee, in his *Metaphysickes*, The one understands what hee doth, and goeth upon warrantable grounds, though the ignorance of some particular outward circumstance may hinder the good event : The other doth
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hee knoweth not what, nor upon what grounds, but altogether ventureth upon former experiments. Now experience, we know, is the mistress, as of men, so of brutes too : which, though they be irrationall, yet are capable of that knowledge that comes by bare experience ; and cannot therefore be the proper commendation of those creatures, which are naturally rationall. So that what once a grave Senator (Plin. Sec. in *Panegy. ad Traja :*) spake of one particular vertue, *ambitio & iactantia, & effusio, & quidvis potius quàm liberalitas est dicenda, cui ratio non constat* ; that that liberalitie, that is not grounded upon reason, is rather ambition, vaine glory, profusenesse, or any thing else, what you will, then true liberalitie : is as true of any other particular vertue, and appliable to vertue, in generall ; to wit, That Vertue is not Vertue properly, but as it is the frute and effect, of true knowledge and sound reason. Which also made *Aristotle* to maintaine in his *Ethicks* (*Lib. v. cap. 9.*) that *justa facere*

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was no very hard thing, and incidentall unto all men ; but *justum esse*, that is, to doe just actions, upon grounds of reason and no otherwise ; to bee a matter of very great difficultie. For which reason also, *Socrates* before him maintained, that Truth and Vertue, were but one thing. And truely in the Scriptures, they are often taken for one thing. Hence those phrases, *To doe the Truth*, *To commit a lye*, and the like. To which if it bee opposed, that *truth* and *vertue* must needs differ as much as the will and the understanding, *truth* being the proper object of the one, and *vertue* of the other ; it might easily, according to the authoritie of *Aristotle*, and other great Philosophers and Schoolemen, be replied, That although the will and the understanding be not all one essentially , yet in matter of action, they come all to one ; since that, as they maintaine, *voluntas necessariò determinatur ab intellectu*, the will of man is wholly ruled and governed, by the motions and prescripts of the understanding. Whence
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is that of *Aristotle* in the same *Ethicks*, lib. vi. that ἀδυνάτον εἶναι φερόμενον, μὴ ὄντα ἀγαθόν, that it is not possible, that he that is truly wise and prudent, should bee naught or vicious : And that ἀγνοῶς πᾶς ὁ, καὶ ἐπὶ τῷ ἀδελφῷ, that no man is evill, but through ignorance of that which is most expedient, which is there and elsewhere at large discussed by him and prooved; as it is to this day maintained by many acute writers.

But not to engage my selfe into these deepe mysteries of profoundest Philosophy, which may be thought perchance more abstruse then usefull, and admit of variety of opinions; all that I shall inferre upon these premises, which no man, I thinke, will deny, is but this; That *Truth* and *Vertue* are of such affinity, that without some more then ordinarie insight (by vertue of knowledge and contemplation :) into the one, the other cannot bee practised as it should; either to afford that inward content and satisfaction to the conscience, which is

the best reward of a vertuous life in this World; or to deserve that commendation from others, (though this bee least of all to bee stood upon :) that otherwise would be due unto it.

Now the knowledge of *Truth* being a matter of such moment to happinesse, as wee have said; it is much to bee lamented, that the search of it should bee so difficult, as it is : so beset with sundry rubbes and impediments; so shadowed with many false colours and lineaments, as it is to bee feared, that many men, after no small paines and studie to find out what *Truth* is; in stead of finding what might satisfie them concerning the nature of *Truth*, begin to doubt whether there be any such thing, *in rerum natura*; and by consequent, whether any such thing truely and really, as *Vertue* and *Iustice* : according to that miserable complaint (though uttered by him upon another occasion :) of dying *Brutus*,

ὦ πλῆμων ὄρετῃ, λόγος ἀεὶ ἦθ'. ἐγὼ δὲ σε ὡς ἔργον
ἥσυχον. *O wretched vertue ! hitherto have I
carefully*

carefully exercised thee as a thing true and reall; but now I see, that thou art meere words and wind. And in very truth if a man shall as it were from some higher place, raised with the wings of philosophicall contemplation, as an indifferent judge, or but spectator, take a generall view of the surface of the earth; diligently observe and looke into the actions and endeavours of mortall men, hee shall cleerely see, that that which all ingenuous men aime at, and most (even wretched worldlings :) doe pretend unto, is truth: but that truth so generally professed, both by the one and by the other, for truth, in some, (whose grosse and earthly temperature is most incapable of heavenly both thoughts and hopes :) to bee nothing else, but meere policie, and private secular interests: in many others (of a purer mould or metall, whose meaning is good and sincere :) nothing else, in effect, but meere partialitie, prejudice, presumption, resolute obstinacie, and the like; being all the fruits and ef-

fects of either blind ignorance (the more blind, the more confident, alwaies :) in too much heate, and eagernesse ; (the naturall distemper of most men :) or lastly, (if not of all these together, yet of some one of them especially :) of long use and custome. Shewes, and colours, and appearances, and pretences of truth in great store every where ; reall and solid truth, hee shall see but little any where : and that too, in many places, either silenced, or forced by unjust violence into corners.

Vpon one of these impediments, that I have mentioned, I purpose at this time to fixe my contemplation ; being one of the chiefeſt, (if I bee not much mistaken my selfe :) of those many things, that cause truth to bee mistaken by men ; and that is, *Custome*.

That men both in their actions, and in their judgements, are most swaied by *custome*, hath beene the observation of many wise men of old, and is most apparant by daily experience, to them that shall

shall observe it with diligence. *Non ratione componimur, sed consuetudine*, saith *Seneca* (*Epist.* 12; and elsewhere) speaking of the actions of men. As those things are, which men are used unto, so are their judgements, saith *Aristotle* in his *Metaphysicks*, *lib. 1. parte 2. c. 3.* *Rabbi Ben Maimon*, (commonly called *Rambam*; the most judicious *Rabbin*, that ever was known to the Christian World;) in his excellent booke, called *More Nevokim*, having insisted out of *Alexander Aphrodisæus*, as he professeth himselfe, of three maine particulars, which usually hinder men from the knowledge of truth; addes a fourth of his owne observation, as considerable in his judgement, if not more, then any of the former: and that is, saith hee, *ההרגל והלימוד*, *Custome and Education*. What word was used by the Author himselfe, I know not. For he wrote this booke in Arabick; and the Hebrew is but a translation. But the word *ההרגל* here used by the Hebrew translator for *custome*, is very proper in this place;

place ; comming from a simple. Verbe, which, among other things , signifieth , *fallere, dolosè agere* ; which is the very thing the Author doth here charge *custome* of. *Amant enim homines, (saith he ;) naturâ id ad quod sunt assuefacti, & propendent ad illud.* And then after some instances taken from daily experience, goes on thus, (as the late Latin Translator renders him,) *Idem planè accidere solet homini insententiis & opinionibus, quibus innutritus est, ut pro amore illarum, ab illis dimoveri nequeat. Quæ causa est, ut homo sæpe non possit apprehendere veritatem, quia scilicet illa sequitur, quibus assuefactus est, &c.*

Neither is there want of many plausible pretences to make this power , or tyranny rather (as Saint *Chrysostome* doth usually stile it :) of *custome*, to seeme as reasonable , as it is generall. For first, Naturalists tell us , that, *Consuetudo tanquam altera natura* ; so *Aristotle* : and *Gallen*, elegantly , ἐπίκτητοι φύσεις, τὰ ἔθνη, *Custome is an adscititious Nature.* Both Civilians

vilians and Canonists tell us, not onely that *consuetudo optima legis interpres*, (that is much that it should be so :) but plainly, that *consuetudo derogat legi, abrogat legem*; yea some of them, that, *consuetudo, illicita, licita facit*. Τα δὲ ἀρχαία ἐν νεοτέρω, was the resolution of the Councell of Nice in matters of the Church; and to enquire of the former age, and, to stand upon the wayes, and there to looke for the good old wayes, is the way that the Prophet doth teach us both to truth and righteousness; to wit, to consult with Antiquitie; which is nothing else, but a continued *custome*, as *custome* is nothing else, but *actus sæpius multiplicati*; as it is defined by Lawyers and Schoole-men. Besides, Philosophers tell us, that, τὸ ὄν ἡ ἀλήθεια; that *which is in being*, and that wee call *Truth*, are all one. And what is *custome*, but that *which is in being*? And if any, to shew a difference, shall adde, that *Truth* is that, which is, hath beene, and shall bee; which is as much, as to say, that it is eternall; wise *Salomon* seemes

to say as much of *custome*, when intreating of the varietie of mens labours and actions, hee useth these words, *The thing that hath beene, is that which shall bee; and that which is done, is that which shall be done; and there is no new thing under the Sunne.* Is there any thing whereof it may be said, *See this is new?* It hath beene already of old times which was before us. So another, a King too, and as wise a King (of a heathen) as Salomon, He (saith he) *that seeth the things that are now, hath seene all that either was ever, or ever shall bee.* For all things are of one kind, and all like one unto another. And in another place, Παῦ ὁ γνώμενον, ὅπως ἀξέμετο, ἡ φύσις, ἔνω πανταχοῦ γῆς, *What ever it bee that is now done here, is the same that hath alwayes beene, and ever shall be, and is now done in all places:* which is spoken by him, as appeares there, not of things naturall, (lest any man should mistake.) but of mens actions and fashions. *Anto. vi. 34. x. 12.*

To these things if any shall reply, that *consuetudo, quæ non est rationabilis*, is not properly

properly *consuetudo*, but *corruptela*; and no wonder, if *consuetudo rationabilis*, bee granted to be æquivalent to reason, right, or truth: This, if it bee well considered, will rather puzzle the more, then satisfy. For the *Custome* of men, which they live and are guided by, being different according to differences of places and nations; yea so changeable and variable; (I speake it of *Customes*, in point of right and Iustice, as well as of others:) in the same place, as wee see they are in all places: if it shall bee said of all such generally, as of particulars it is commonly by them that are used unto them, that they are *rationabiles*; will it not hence necessarily follow, that what is right in one place, is in another wrong: what at one time is reason and Truth; at another time is both false and absurd? And what is this, but to make Truth changeable, *Prothens* like; and appliable to all times and places? That is, in effect, to say with *Archilaus*, that *ὅτι δίκαιον ἢ τὸ ἀγρόν, ὃ τῇ φύσει*, but *τὰ νόμῳ*, that nothing is right

or wrong, but by *custome* and the ordinances of men onely : or with *Epicurus*, that Οὐ πὶ κατ' ἐαυτὸ δίκαιοσύνη, that righteousness of its selfe is nothing, but that whatsoever is expedient for the present, as long as it is expedient, it is just; and no longer just, then it is expedient.

Besides these and the like arguments, taken from the things themselves, something may bee inferred even from the words, whereby those things are usually expressed. For words have usually some foundation in the nature of things, and therefore (as wisest men, *Aristotle* and others, have thought :) in all disputes of the true nature and use of things, much observable. Now in most Languages, *right* and *custome*, are expressed by the same words. As for example to instance in the three chiefest; in *Hebrew*, משפט, signifies properly judgement, but it is as often used for *custome*. So that Interpreters are sometimes put to it, not knowing, or at least not agreeing among themselves, by which of the two it should bee rendred.

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As for example, *Sam. 8. 9. shew them the manner, &c. and v. 11. This will be the manner, &c.* In the *Hebrew* it is מנהג, which some with the *Vulgar* and the *Septuagint*, render *jus*; others, as we, *rationem*; the *manner* or *custome*. The *Chaldey* paraphrase expresses it by the *Greeke* word νόμος, which is ambiguous both in the *Originall Greeke* (the ambiguity whereof hath caused errors and mistakes of Interpreters not a few in divers ancient *Greeke* Authors :) and in the derivative *Chaldey*, for either *right* or *custome*. Hence are variety of opinions, as amongst the *Jewes*, so amongst the *Christians*, about the true meaning. But I meddle not with that. Only this I observe, that *Homer* upon this very subject, speaking of Kings, useth the very word (but that the one is *Greeke*, and the other is *Hebrew* :) that *Samuel* doth; This also, as ambiguous in the *Greeke*, as the other is in the *Hebrew*. His words are *Odyss. iv. ἥτι' ἐστὶ Δίχην Ἡὼν Βασιλέων*. Where the Scholiast hath noted *Δίχην. i. νόμος ἢ ἔπος*. But *Eustathius*, Arch-

Bishop of *Theſſalonica*, more fully, Τὸ δὲ,
 (ἥτις ἐστὶ δίκη,) ἀπὸ τῆς, ὅτι ἐστὶ δίκαιον, καὶ οὐκ
 νόμος, ἢ ἔθος. *Aemilius Portus* translates it,
quod tamen Licet divinis Regibus. And cer-
 tainly in those words of the Poet in ano-
 ther place, ἡ γὰρ δίκη ἐστὶ πάντων, *Gallen* did
 understand by the word *δίκη*, somewhat
 more, then *custome*, as should seeme by
 him in his *de Valetudine conservanda*,
 where hee quotes them more then once.
 Now as in these words, both *Hebrew* and
Greeke, *right* is taken for *custome*; so in
 the *Latin*, is *custome* taken for *right*, or
Law. Witnesse, not onely the word *con-*
suetudo, in latter ages, whereof wee shall
 have occasion to speake more afterwards;
 but also *mos*, of old. So *Virgil. Aenid. vi.*
 ——— *pacisq; imponere morem*, i. *Legem*
pacis, saith *Servius*. As also in the *Civill*
Law, *jus* and *mos*, are often joyned toge-
 ther to expresse *right*; though sometimes
 opposed, I know. Neither are these two
Latin words, *mos* and *consuetudo*, used in
Latin for *right* and *Law* onely; but also
 for *nature* her selfe; *custome*, as it seemes,
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pretending as much to *nature*, as it doth to *right*. So *mos* by the best *Latin* Authors, often; and so *consuetudo*, by sacred authors, sometimes. As for example, *Gen.* 31. 35. רֶדֶד נָשִׁים, which by the *Chaldey* paraphrase, by the *Lxx.* and the *Vulgar*, is rendred, *consuetudo*; *the custome of women*. Which word *consuetudo*, made *Augustine* the Monke (a very pardonable mistake in a Monke :) to thinke worse of women, then they had deserved, imputing that unto them as a fault, or voluntary vice, which is their nature. At least hee was so understood by Saint *Gregorie*; who therefore both by many reasons, and divers examples, prooves unto him at large, that that *consuetudo mulierum*, though called *consuetudo*, is in very truth, *infirm. tas naturæ*; or *naturæ superfluitas*, rather; and therefore not *culpa*, *quia naturaliter accidit*; no voluntarie thing in women, but hapning by necessity of nature, and by consequent, no sinne; no more then either to eate, and drinke; or to bee weary, cold; and the like.

like. *Greg. Epist. lib. xii. Ind. vii. Epist. 31. ad August. resp. 10.*

By these things that have hitherto been spoken, it should appeare, that *custome* of it selfe hath no small affinitie with *Truth* and *right*: and it is but too apparant, that they are, by most men, taken for one and the same thing; as hath already beene said.

But on the other side, wee shall find in ancient, both Philosophers and Fathers, as *Iustin. Mart. Cyprian, Greg. Nyss.* and others, many serious caveats and admonitions to them that seeke the *truth*, to beware of *custome*: and to this purpose *Tertullian* would haue us to remember, that *Christ* called himselfe *veritatem, non consuetudinem*: *truth*, not *custome*, be it never so generall, or so ancient.

Having therefore oftentimes (not by way of curiositie, but as one that thinkes himselfe bound, to propose unto himselfe *right* and reason, to the utmost of his power, in all his actions:) had occasion to meditate upon those things, viz. of the
power,

power, varietie, validitie, of custome in things either *naturall*, *civill*, (for all those have some relation, and mutuall dependance; neither can thoroughly bee understood, if separated,) or *Divine*: and what in all those is, ἡ ἱστορία (as an ancient Philosopher speaketh :) τῆς ἀληθείας, the speculation of *Truth*; I have here put most of those things, that did offer themselves to my consideration, together: perswading my selfe, that if men spent lesse time about particular Questions; as concerning the *right* or *truth* of sundry particulars, in point of either Religion or Philosophy; and more time in the due and rationall consideration of those generall either helps, or hinderances, that offer themselves unto men in the search of what is *Truth* and *right*; that there would be, both farre lesse contention, and far more truth in the World, then is at this day. For my part, I shall bee carefull not to vent any new conceits, or opinions of mine owne unto the World. It is too full alreadie of such phantasticks, who both in
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their lives and in their opinions, affect nothing more then singularitie. Onely what I have met with in best authors concerning this subject, the consideration whereof I thought might bee usefull unto others, I shall here set downe; and this, rather by way of proposition, then peremptorie determination.

TO beginne with the power of *Custome* in things naturall, I will first speake of some parts and faculties, which have beene formerly, and may yet through *use* and *custome* be attained unto, though not contrary to nature, yet so rare and extraordinary, as in the judgement of common sense, and for want of experience, they might seeme altogether impossible. By *Custome*, wee understand practice and exercise, as usually others doe upon this occasion. So (to instance in one), *Plutarch*, where hee disputes of the

the power of *custome* in point of education, ἔθος ὃ, saith hee, καλῶ τ' ἀσκησιν, by *custome I meane use and exercise*; and afterwards hee calls it πόνον, ἐπιμελίαν, σπουδὴν, μελέτην; all which words are by him there used as *synonima's*, or words of the same signification. Now to speake of the power of *custome* in this kind, and to set out the marveilous efficacie of it, I know not whom wee should more properly beginne with, then with those, whom the *Grecians* properly called, τοὺς θαυματοποιούς, or *wonder-workers*; men, whose profession it was to amaze the people with strange sights and *wonders*, (so called ordinarily by *Greeke* Authors, properly and absolutely, θαύματα, *wonders* :) proceeding for the most part from extraordinary either strength, or agilitie, or both. I shall mention them the rather, because it is a speculation that divers Philosophers and Fathers, (but especially Saint *Chrysostome* :) in their morall exhortations often fall upon, and make very good use of it. Hero an ancient *Greeke* Author

hath written a whole booke of that subject, but I have not yet seene it. And because the word θαυματουργός, is somewhat generall, and may comprehend them that bring strange things to passe, by the helpe either of naturall, or superstitious Magicke, as well as others; I will therefore here set downe the definition of such as wee understand here properly by the word; as I find it in *Nicephorus Gregoras*; by which they may bee discerned from all others, that have any plea to that common name, He therefore in his eighth Booke of his Roman History, treating at large περὶ τῶν ἐπιδημησάντων τῇ Κωνσταντινπόλει θαυματουργῶν, of some wonder-workers that came to Constantinople, gives the definition of them, and of their art: τὰ μὲν τοι τελέμματα ἔσθ' αὐτῶν, τερατώδη μὲν ἢ ποδὶ καὶ θαύματος πλήρη, ὃ μὲν δαιμονικῆς τινος μάγανείας μέτοχα, ἀλλ' ἐπιτηδύματα φύσεως δόξιας ἐγνομαθείσης ἐν πλείονος εἰς ἔργων τοιούτων ἀσκησιν. *Those things* (saith he :) *that were done by them, were prodigious indeed, and full of wonder; yet farre from Diabolicall inchantments,*

ments, but meere exercises of a dextruous nature, long practised and accustomed unto those things.

First then to begin with *agilitie*, Saint *Chr)stome* in his nineteenth Homilie *ad populum Antiochenum*, hath these particular instances, *τρόχου δίκην ὃ σῶμα ἀπὸν κάμπηεν καὶ ἐρέφεται ὅτι τῷ ἐδάφει, and ὅτι σὺρεῖ καὶ κατὰ τὴν περιστοὶς τοῖς κώλοις χεῖρας τῷ σώματος, to run upon the ground, all parts of the body turning circularly, like a wheele: to draw ones selfe up and downe by the motion and agitation of the armes onely, as if it were with wings: μαχαίρας ἐναλλαξ εἰς τὸν αἶρα ἀκοντίζεν, καὶ πάσας ἀπὸ τοῦ λαβῆς δέχεσθαι: to cast up divers swords one after another into the aire, and to receive every one by the handle: ὅτι χεῖρας στενωπῆς βαδίζεν, καὶ καταπέχεσθαι: expressed by him againe in another place, ὅτι χεῖρας τεταμένως βαδίζεν κατὰ τὸν ἰσοπέδον, καὶ ὡς πεπατοῦντα ὑποδύεσθαι καὶ ἀποδύεσθαι κατὰ τὸν ἐπὶ κλίνης καθήκον: which, in plaine English, is no more, as I conceive; then what we commonly say, to dance upon the rope; or, ire*

per extentum funem, as *Horace* calls it; though it seemes after a more difficult and miraculous way, by farre, then is used in these dayes. Or else I must say that *Saint Chrysostome* had seene those fights oftner, then I have done. *Ἐν ξίφεσι σπαρρίζειν*, mentioned also by *Saint Chrysostome*, I know not certainly whether I should render, *to play with swords*, as with tennis balls; to the same purpose as that former passage of his, *μαχαίρας ἐν ἅμαξαις*, &c. or rather, *to play with tennis balls being beset round about with naked swords*: to which purpose I find in *Athenæus*, and in *Xenophon*, *εἰς ξίφη κωβίσαν*, *to tumble and turne over and over among naked swords*; being spoken by them of men of this profession. *Inter gladios atq; infestas frameas saltu se jacere*, *to leap among swords, and sharpe speares or javelines*, which is mentioned by *Tacitus*, is much also to the same purpose; though hee speake it of the *Germans* in generall. But I take notice of it the rather, because hee notes it there expressely, that *Exercitatio*

tatio paravit artem; that is, that they attained unto this facultie by meere use and continuall exercise.

In point of *strength*, first *active*, I find in Saint Chrysostome, κόντον ὅτι τῷ μετώπῳ βασάζειν καθάπερ δένδρον ἐρριζωμένον ὅτι τῆς γῆς, --- καὶ παῖδια μικρὰ ἐπ' ἄκρον τῷ ξύλῳ παλαίειν ἀλλήλοις ἀσχυαζόμενα; or as hee hath it in another place, κόντον ἐπὶ τῷ προσωπῷ λαβόν, εἴπα ὀπιθέντα ἄνω παιδίον, μωρία ποιεῖν καὶ τέρπειν τοὺς θεαταί: *to hold out a long pole at length with the forehead firme and stedfast,* (which neverthelesse by Martiall, Epigr. lib. v. 12. but in a nother respect, to wit, to expresse the length of it, is called, *nutantia pondera* :) *and upon it, yea at the very end of it, to beare a child, and sometimes two together playing one with another, to make sport to the beholders.*

As for *strength passive*, καὶ τῆς κεφαλῆς ἡλὸς ὅξεισιν ἀσχυαζόμενα, *to indure the piercing thorow of ones head with sharpe nayles*, is one of Saint Chrysostomes instances in one of his Homilies upon Saint Pauls first Epistle to the Cor. cap. ix. h. 21. concerning

ning the said *θυμματοποιοὶ*, or ordinary *wonderworkers* of his time. Hee doth insist upon this particular at large, calling their heads, *κεφαλὰς καθηλωμένας*, *nayled heads*, or *heads stickt all over with nayles*. And least any should either mistrust the truth of the relation, (though to prevent this I have purposely made choice of such a one as Saint *Chrysostome* for my warrant :) or at least suspect (as I see divers doe without cause in other matters like unto these; because not acquainted with the power of *custome* in things of this nature :) some imposture in the actors, I will confirme this last instance of *nayled heads*, with two pregnant testimonies of approoved and unquestionable experience of latter times: the one taken from *Augerius Busbequius*, and the other from *Iohannes Leunclavius*; men of good worth, both; and as good credit, among the learned *Cùm jam esset in conspectu Buda* (saith *Busbequius* in his fourth *Epistle* :) *veniunt nobis obviam jussu Bassæ ex ejus familiâ aliquot, cum plerisq; Chi-*
aussis;

außi; sed in primis visenda juvenum in-
 quis multitudo propter novitatem ornatus,
 qui erat hujusmodi. In aperto capite, quod
 eis plerumq; rasum est, cutem longâ lineâ
 inciderant, cui vulneri plures pinnas cu-
 jusq; generis inseruerant: ipsi stillantes cru-
 entis guttis, dissimulato dolore veluti sensus
 expertes, læti & hilares ferebantur. Ante
 me proximè pedites aliquot ambulabant; ho-
 rum unus veluti ansatus subnixis brachiis in-
 grediebatur, quorum utrumq; supra cubitum
 cultello (quod genus nos Pragenses vocamus:)
 transfixum habebat. Alius à superiore par-
 te umbiculo tenuis, nudus incedebat, sic scissa
 duobus locis infra supraq; lumborum cute, ut
 illac trajectam clavam, tanquam è cingulo
 pendentem haberet. Alius in vertice capitis,
 equisoleam pluribus clavis fixerat. Sed id
 vetus erat, clavis ita cum carne coalitis, ut
 nihil moverentur.

The passage out of Leunclavius is this:
 Hos sequebantur tres lymphatici robusti ho-
 mines, caligis tantum induti, cetera nudi;
 nisi quod capitis vertex parvo pileolo rubro,
 & humeri nudi superinjecta, deq; collo pen-
 dente

dente pelle tigridis, exornabantur. Hi ad concentum Zinganorum tripudiabant, tenentes singuli vexillum Turcicum rubri coloris, cujus hastile intra cutem & abdomen ventris, emanante multo sanguine, defixum erat. Hos duo pueri sequebantur, qui cuti frontis perforata pennas gruis insertas ferebant. Secundum pueros incedebant quatuor virorum paria, per vulneratis lateribus. Primi duo clavas ferreas, quas pusdiganos dicunt: proximi duo nudos acinaces, per cutem transfixos, gestabant. Rursus alii duo sequebantur, quorum unus securim militarem Vngaricam (schacanam vocant) alter oblongum Genizari sclopetum apertis lateribus intransfixo corpore portabat. Ultimo loco viri duo robusti spectaculum hoc cladebant, qui tempora rectis, latis, & oblongis ensibus, quos Vngari palastos vocant, transfixerant. Horum capulos manibus tenebant: In ensium cuspide pomum erat adfixum, & pomo, penna gruis inserta.

I shall forbear more particular instances concerning the many wonders recorded by the ancients, of those wonder workers:

kers : And the rather indeed, because di-
 vers examples in this kind may be excep-
 ted against, as examples rather of strange
 natures, or naturall properties ; then in-
 stances of the power of *custome*. For
 though the art, generally, bee adscribed
 by the ancients to *πόνος*, or *μυετή* (which
 gave occasion to *Arrian* the Stoick Phi-
 losopher to mention some of them by
 the way in his chapter *περὶ τῆς μυέτης* :)
 that is, *to use and practice* ; yet in some of
 them (for ought wee know :) it might
 bee nature ; or at least, nature concur-
 ring. So of prodigious eaters, for exam-
 ple ; *Suetonius* tels us of one, much admi-
 red by *Nero* the Roman Emperour, who
 by *custome* had brought himselfe, *crudam*
carnem, & *quicquid daretur manducare* ;
 to eat any kind of thing : And doubt-
 lesse it stands with reason that *custome* may
 doe much in this kind, as generally in
 point of eating and drinking : whereof
 learned Physicians treat at large. Yet
 that a man should (*uno die aprum inte-*
grum, centum panes, vervecem & porcel-
lum :)

lum : in one day (if not at one meale :) *eate* a whole boare, a hundred loaves, one weather, and a hogge, as wee read of one in *Aurelians* time : I dare not adscribe this unto *custome* onely : no more then, to devour *nettles*, *thistles*, the pith of *artichokes*, raw and living birds and fishes with their scales and feathers, burning coales and candles, &c. and all these in very great quantitie, as *Karew* in his *Survey of Cornwall*, recordeth of one *Iohn Size* of *Cornwall*. That which makes mee to doubt, the more, is, because I read in *Columbus*, a famous Anatomist, of one *Lazarus* in *Venice*, furnamed *Vitri vorax*, or the glasse eater, who made a trade of it, *mercede propositâ, vitrum, saxa, lapides, ligna, viva animalia, carbones, pisces è vivario extractos adhuc salientes, lutum, lineos laneosq; pannos, &c, vorare*. Now this man falling at last, after his death, to the hands of *Columbus* to bee dissected by him, hee did his best (as hee professeth :) by observing all things in him with more then ordinarie curiositie, to find out a reason in nature of this so strange and unnaturall qualitie.

qualitie. And his conceit is, that hee did find it ; wherein I will not interpose my judgement, but leave the further examination thereof, to profest Anatomists and Physicians. But generally, of such particular examples, so extraordinary and beyond all example prodigious, I hold it (as I have already said) most safe, to take in nature and *custome*, as concurring. As expresly, for example, wee reade in *Suidas* of one *Marcellus*, who being by nature very watchfull, by long use and *custome* had brought himselfe to that passe, as to live without sleepe ; or at least, with so little, as could hardly bee observed by any others. For the better satisfaction therefore of the Reader, that hee may certainly know what *custome* alone in this kind, can doe, in point of either agilitie or strength ; a sure way will bee to consider some particular performances in either kind, that have beene more common and generall, as either to whole Nations, or to certaine professions, together and at one time ; and not proper to some few persons, at some times, only.

In point of agilitie, *Cæsar* in his Commentaries testifieth of the old Britans, that *usu quotidiano & exercitatione*, they had attained to that perfection of horsemanship, *ut in declivi ac præcipiti loco incitatos equos sustinere, & brevi moderari ac flectere; & per temonem percurrere, & in iugo insistere, & inde se in currus citissime recipere consueverint.* This is much, and more perchance then some will easily beleeve, that have seene no such examples of activitie in these dayes. Yet more then that in the same kind of exercise, is averred to bee true of some people to this day, by Authors of good credit and authority. So elegant *Maffæus* of certaine people *Occidentalis Aethiopiæ*, which hee cals *Ialaphos* : *Hist. Indicæ, lib. 1. Exhibitique* (saith hee :) *per eos dies publicè ludi, convivias, venationes, & spectacula equestria; In quibus Ialophi desultoriâ arte & peritiâ ita se admirabiles præbuere, ut Numidis ipsis (quorum in celeritate motuq; corporis præcipua laus est :) agilitatis palmam omnium iudicio consensuq; eripuerint. Si quidem*
tanta

tanta erant membrorum vel dexteritate vel robore, ut equi incitatissimi ephippiis nullâ omnino cursus intermissione tum recti infisterent, corpusq; circumagerent: tum repente infiderent, dispositosq; humi lapillos ad unum inde colligerent; tum etiam momentò defilerent, resilirentq;.

But if any shall desire to understand the utmost that long use and exercise can attaine unto in this kind of *Agilitie*, let them read what *Martinus a Boumgarten*, (no obscure man and of good credit every way;) relates at large in his *perigrinations*, of the sundry acts and exercises of Chivalrie, performed by the *Mamaluques* before their *Soldan*. Certainly had they had wings, I doe not know what they could have done more in that kind, either upon, or about horses. But because the booke is not very common to bee had, nor perchance very commonly knowne, I shall not doe amisse I think, to insert here some part of that his relation. His words are:

Alii

Alii in pleno cursu equi, ter defilientes : itemq; (equo à cursu suo non cessante :) con- scendentes, nihilo minus omnes illos scopos sa- gittis tangebant, nec vel aliquatenus aber- rabant: Alii sellis non sedentes, sed stantes, licet equi volarent, singulos scopos feriebant. Alii inter plenum & jugem equorum cur- sum ter arcus remittentes, ter eos loco flagelli capiti circumdantes, ac rursus ter inten- dentes, equè tamen ut & cæteri singulos sco- pos jaculis verberabant. Alii in jugi equo- rum cursu, licet ad utramq; partem defilis- sent, non tamen obmittebant, quin & omnes scopos ut & reliqui, singillatim percuterent. Alii ter per equorum terga retrò defilien- tes, ac rursus currente semper equo, infilien- tes, à sagittandi munere ad singulos scopos non cessabant. Alii sellis more solito colliga- tis sedentes, eas interim equo currente, ter solvebant, ac post solutionem sagittantes, ter rursus eas dorso equi colligabant, terq; jacu- lis scopos haud gravatim contingebant. Alii in sellis more consueto infidentes, extra sellam retrò se concitè locabant, ac capite deorsum misso,

stabat, perculsoq; scopo dextra laevaq;, iterum sedebat: donec ad secundos & tertios scopos veniens, iterum se in pedes erigeret, ac sagittandi munus egregie & mirè expleret. Item & alius insuper repertus est, qui solus ex reliquis equo insellato & nudo sedens, ubi ad scopos venisset, intergo equi supinus jacens, iurumq; pedem in sublime porrigebat, sicque concitè erectus sagittandi officium impigrè complebat: Againe, Et operæ pretium erat videre tyrones illos, corpore proceros, vestitu armisq; decoros, gestu ipso admirabiles, ea in rapido equorum cursu agere quæ etiam in terra stantibus & factu difficillima, & visu stupenda, deniq; & enarratu incredibilia penè viderentur, &c.

And that the unexpert may the better bee satisfied, that these things are not altogether impossible to men, who by their profession make it their constant studie and practice; I will adde by the way what some ordinary men of our owne Countrey with a little practice, have performed in our dayes. In the yeare of our Lord 1611. in the month of *August*, the
Bishop

Bishop of Ely (I thinke I may call him
the Bishop of Ely, καὶ ἔξοχως, and doe none
of his worthy predecessors any wrong;
but, the Bishop of Ely that then was :)
going to *Wisby* in *Cambridg-shire*, and ac-
companied with many horses; there met
him upon the wayes a plaine Rustick,
standing upright upon his horses bare
backe; and in that posture did hee gallop
so fast, that none of the company could
outgoe him, or so much as keepe paze
with him. One that was then present
made a *Memorandum* of it in these words:
Die primo itineris occurrit nobis rusticus,
qui equi sui nudo dorso insistens vehebatur
tantâ confidentiâ, ut admitteret ad cursum,
neque aliquis nostrum posset consequi eum ita
currentem.

In point of *strength*, first *active*, the
Turkish archer shall bee my instance; A
strong *Turkish bow* (such you must
understand as they generally used in for-
mer times before they had so much dege-
nerated from their ancient discipline:)

the string whereof a lustie strong man (*qui non assueverit*, saith *Busbequius* in his *Epistles* :) that hath not beene used unto them, shall not bee able to stirre with all his might so farre , as to loozen a piece of money thrust at one of the extremities betweene the string and the Steele ; a well practized archer of that Countrey and discipline, will make nothing to draw to his eare. And such is the strength of one of those bowes, (saith learned *Barclay*, in his *Icon animarum*, and professeth to have seene it done,) that with a little arrow it will pierce through *chalybem tres digitos altum* (I durst not *English* it, but that I know the Author to bee a man famous, and of good credit, in things of this nature at least :) *a Steele three fingers thicke* ; and even dart an arrow that shall want a head with such force into a reasonable bigge tree, that the end of it shall be seene on the other side. I bind no man to beleeeve it, that hath not seene it : yet I know the Authors credit will goe very farre

farre with them that have knowne him; and that hee is not the onely that hath reported it.

As for *strength passive*, I will content my selfe with that common example of the *Lacedemonian* boyes, and youths; the more common and the better attested, the more uncontrollable and the fitter for our purpose. One of their solemne yearly exercises, that their lawes did oblige them unto, was their *Στασιγμοίς*, as they called it; that is, a publike whipping of all their youths at a certaine place, to wit, *ad aram Dianæ Orthiæ*. Their youth (saith *Plutarch* :) being whipped and scourged all day long at the altar of *Diana Orthia*, μέγιστα δὲ πολλάκις στασιμαρτέουσιν ἰλαροὶ καὶ γαστροί, are wont to indure it, even unto death, oftentimes, with joy and exultation, eagerly striving one with another, who shall hold out longest and suffer most. *Tullies* relation goes yet beyond this. For having said, as *Plutarch*, *ad necem usq;*, even unto death; he addes, *quorum non modo nemo conclamavit unquam, sed ne ingemuit quidem*; that

*none of them (during the time of this bloudy exercise :) was ever knowne, either to cry, or so much as to groane. And both these, in other places, professe to have beene eye-witnesses of their patience, ὡς πολλοὶ ἐπὶ τῷ βωμῷ τῆς Ὀρνιθείας ἐωρῶντες ἀπὸ θυομένων ταῖς πληγαῖς, saith Plutarch; Wee have seene our selves many of them dye at the very Altar, with extremitie of scourging. Adolescentium greges Lacedæmone vidimus ipsi, (saith Tullie,) incredibili contentione certantes pugnis, calcibus, unguibus, morsu, denique ut exanimarentur, priusquam se victos faterentur. But to speake truth, there is nothing more obvious in all Greeke and Latin Authors that are ancient: and therefore these two may well suffice. But this is not all that is to bee wondred at in this matter; but this also, that whilest these boyes were so used, their parents and dearest friends would looke upon them with joy and pleasure, yea exhort them themselves unto patience: *adstantibus parentibus & propinquis, saith Tertulian, & uti perseverent adhortantibus.* The word*

word that is used by *Plutarch* in his *Lycurgus*, speaking of these things, ἀσκησις, *practise* and *exercise*, puts mee in mind of the ancient Christian *Asceticks*, of whom no lesse in point of patience, if not more by farre, might bee related, but that I would not be long.

In all these severall generall instances, it is out of all question, and all Authors that write of them are of that opinion, that *Custome* and long *practise*, is to bee looked upon, as the onely cause. The use (which I mentioned before, and therefore will briefly set downe heere, though it be not the thing that I aime at especially:) that divers antient Fathers, Philosophers & others make of these and the like instances, is this: That those great insuperable difficulties, that men usually pretend to meete with in the way that leades unto Vertue and godlinesse, are rather vaine pretences and *παθυμια* (as Saint *Chrysostome* in a thousand places :) that is, *meere want of courage and resolution*, then difficulties really hard and insuperable:

rable : Διότι οὐκ ἀποστατέον ἐκ δυνάμεως τῆς χει-
 σήμων (as Polybius in a place, very ele-
 gantly and fully :) Ἀλλὰ τὰς περὶ φαινομένης
 δυσχερείας, περὶ σκληρόν ὃ τ' ἔστιν, ἢ πάντα τὰ καλὰ
 τῶν μεγάλων τοῖς ἀνθρώποις, *And therefore that*
men must not start backe from the prosecuti-
on of any thing that is good and profitable by
reason of those seeming difficulties, but be-
take themselves to the power of use and cu-
stome, by which all that good is and laudible,
is made possible unto man.

Now in all these it is apparant, that
custome is rather *supra naturam*, then *con-*
tra naturam, directly. We shall therefore
 in the next place consider the power of it,
 even in those things, wherein it is directly
 opposit unto Nature. The discussion of
 these things at large, I leave unto profest
 Naturalists and Physicians. Some few
 instances will serve my turne, and will
 sufficiently afford unto them, that are
 both capable and curious, (I take it in
 the better sense :) matter of further spe-
 culation.

Πᾶν ὃ πολὺ τῇ φύσει πολέμιον : *all excessive*
is

is against nature. So Phylosophers and Physicians. Yet what excesse so unnaturall, that a man, by *custome*, may not bring himselfe unto? Yea, if a man have once used himselfe unto excesse, it is dangerous for him to returne unto nature and mediocritie, because hee hath used himselfe unto excesse. For even things naturally and of themselves hurtfull, through use and *custome* become expedient and necessarie. Therefore saith *Hippocrates*, Τα ἐκ πολλοῦ χρόνου συνήθεια, καὶ ἢ χεῖρω, τῷ ἀσυνήθων ἥσσον ἐνοχλεῖν εἴωθε, *Those things that we are used unto, though worse of themselves, use to bee lesse dangerous then better things that we are not used unto.* And *Aristotle* doth instance in *Dionysius* the Tyrant, who in a dangerous siege having forborne for a while his ryot, fell into a consumption, of which he could not be cured, untill he returned unto his former *custome*.

What more contrary to Nature then poyson; which therefore among other names is called δηλητήριον, καὶ ὄζοχλω, as the greatest enemy of Nature? Yet by

custome in divers ages both men and women have beene knowne to bring themselves to this passe, as not onely to take most dangerous poysons without hurt, but also to feed upon them and to receive nourishment from them. Wee read of some that have lived upon nothing else. Whereof you may read in *Gallen de Simpl. Med. lib. 3. 18. Sennert. lib. iv. c. 3. And lib. iii. de Febrib.* And although in some of these there might sometimes concurre some secret of Nature in the proper constitution (whereof see *Libavius de Venenis*, and *Gallen 3. de Sim. Med.* who shewes a reason in Anatomie, why that poyson which killeth men, is a food unto the Stares :) or otherwise; yet generally (which sufficeth us :) that this is adscribed unto *custome* as the cause, I appeale unto the forenamed Authors, and divers others that have treated of it.

What more naturall unto man, then to live upon the Earth, the naturall mother (both in regard of their beginning
and

and of their ending :) of all men ? Yet we reade of some, who by *custome* of often swimming and conversing in the waters, have made the waters so naturall unto their bodies, that they could hardly endure the land, and not without present danger of their health. *Iovianus Pontanus*, writes of one *Colon* of his times (as I conceive :) a notable *Vrinator* or *diver*, who could not indeed continue long together out of the sea, and would swimme a hundred miles together and above, from one shore to another, and from one Countrey to another, with great speed, and at all times of the yeare. But this I must confesse I take upon trust; for I have not read it in the Author himselfe; but in our learned *Iohn Barnes* a Benedictine, in his *contra Aequivoc.* 25. 323. Neither doe I know whether hee had brought himselfe to this by *custome* onely or no. But if this storie bee not to my purpose, this other is I am sure, which I shall now produce out of a certaine Commentator upon *Aristotle* his *Axiomata*: who upon

that saying of Aristotle, *Consuetudo est altera natura* : hath these words : *Alibi quanta sit vis consuetudinis explicationi sermone proditum est : Illis tamen hoc velim additum, quod præ sua novitate & infrequenti similis rei eventu pene incredibile erit, hominem quendam patria Syculum, à puero ita natandi consuetudine usitatum, ut deinceps piscium more sub aquis longo tempore versaretur ; quibus cum exiret, ut communi hominum usu frueretur, tanto ventriculi dolore angebatur, ut valetudinis nanciscendæ causa, ad aquas esset redeundum. Quibus rursus immersus, ludi & recreationis gratia, si quando naves mari volarent, in eas saliebat, atq; post sumptum cibum, iterum descendebat, ubi ad multam usq; etatem vitam protraxit.* Whether hee meanes it of the same as Pontanus doth, because I have not Pontanus at this time, I cannot tell. To some such kind of men it is not unlikely, that Saint Chrysostome did allude in one of his Homilies (the sixteenth as I remember :) upon the Epistle to the Hebrewes, where hee tels rich men of their unmercifulnesse

fulnesse and want of compassion, whose curiositie to satisfie with strange spectacles, among other inventions poore men were driven ὁ βάθος τῆς πελάγους διερευνᾶσθαι, *to search and ransacke the deepest parts of the Ocean*; that some way or other they might extort somewhat from them. But *Seneca* directly, speaking of the strange inventiōs of the θαυμαστοί, or *wonder-workers* of his dayes, reckons among the rest, *in immensam altitudinem mergi, ac sine ulla respirandi vice perpeti maria*; and againe not long after, *penetrare inimum mare*; which may give much light to that passage of *Saint Chrysostomes*. And among the sundry kinds of *exercises Artis Gymnasticæ*, I find that one was, *continere spiritum*; to hold and keepe in their breaths: it being one of those things (it seemes :) which use and *custome* can doe much in, as well as in other things.

But it would bee infinite to treat of the power of *custome* from all particular examples and instances that occurre in divers writers, Historians, Philosophers,

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and others, both old and late. The truth of some of them perchance may bee questioned. I deny it not: though I read not scarce any thing in any of them so strange in this kind, but might be averred and paralell'd, if not as certainly true, at least as possible, by manifest experience, either in the same kind or very like, even in our dayes.

Yet it is not granted by all men, that *custome* is of such power and efficacie in things naturall. *Aristotle* seemes in some place to bee one of them, that will not grant it. Τὸ ἔθος ἄλλω ἢ ἐκκρῆνται, saith hee in a place, ἢ ὃ φύσις ἐξενὶ ἐκκρῆναι. *One custome may be remooved and taken away by some other custome, but nothing can ever prevaile against Nature.* And againe in his *Ethicks*, *Lib. ii. c. 1.* as peremptorily Οὐδὲν τῶν φύσιν ὄντων ἄλλως ἐκτρέφει, *Nothing that is naturall can bee altered by custome.* Others, though they speake not so peremptorily of it, yet they restraine the power of it very much. So *Alex. Messaria*, a famous Physician, in his *Treatise*
of

of the plague, *Consuetudinem* (saith he) *plurimum posse negandum non est; sed ita tamen, ut ne limites naturæ transcendat, &c.* And Sennertus, (an exact judicious writer, as most of that profession,) more punctually yet, *Præct. Medicinæ lib. iii. part 1. sect. ii. c. 2. de longa abstin. Consuetudinis* (saith hee :) *maximam vim esse certum est, non tamen in omnibus locum habet: sed certa saltem opera sunt, in quæ jus habet consuetudo. Etenim in sensus actiones nullam potestatem habet, neq; quis potest assuescere, ut non olfaciat, sentiat, vel non respiret, &c.*

To this many things might bee opposed, from certaine experience. In this very point *de longa abstin.* that Sennertus speakes of, Ancient Histories afford examples to the contrary. Wee read of one *Iul. Viator*, who to save his life having by little and little used himselfe to abstaine from drinking as, being farre gone in a dropsie, *naturam* (saith *Plinie* :) *fecit consuetudine*, did at last turne custome into nature, & *in senectam potu abstinuit*, and
so

so lived to be an old man without drinke. And *Plinie* saith, *scimus*, as of a thing commonly knowne and not doubted of by any. And *Seneca* as peremptorily, that *assidua meditatione* (that is, by *custome*) *quidam omni humore interdixere corporibus*. And *Lipsius* there averreth, that even in our age, there have beene examples of such absolute forbearance, from all manner of drinke. Then for the *senses*; what shall wee say to *Appianus*, who tels us of one *Geta*, a Citizen of *Rome*, who in the time of the Civill warres, being one of them that was marked and sought after to death, to the end that hee might the better disguise himselfe, among other things counterfeited himselfe to be blind of one eye, and wore I know not what over his concealed eye some yeares. And then his danger being over, when hee thought to have restored his long captive eye to his former libertie, hee found the eye there indeed, but the sight was gone; and so continued blind of that eye to his dying day. And *Appianus* saith directly

they that maintained it, were also, most of them, of opinion, that the reason why wee did not heare it, was meerely *ἡ συνήθεια*, because our eares were accustomed unto it, as you shall find expressely in *Heraclides Ponticus*, in his *Homericall Allegor.* In *Aristotle de Cælo.* ii. 9. and others. *Tullie* also aimed at the same reason, in his *Somn. Scipion.* when he saith, *Hoc sonitu oppletæ aures obsurduerunt* : though his next words adscribe it rather to *magnitudini sonitus*, then *consuetudini* ; which would import a totall destruction of the sense ; and not a deficiencie of it to one particular object onely. This indeed is another consideration, but apparently false ; since that upon that ground, all hearing would be quite taken away ; as *Plinie* in his *History*, *Seneca* in his *Naturall Questions* expressely affirme of those inhabitants about *Nilus*, that hee speakes of there ; to wit that they are quite deafe. I know there are others yet, that have maintained this cœlestiall Harmonie upon other grounds. *Philo Iudæus* saith directly

rectly that it is not audible (to us men, that is :) that it doth not reach unto the eares ; and the reason why God would not have it audible hee saith, is, lest men ravished with the sweetnesse of it, should give over all care and thought of worldly affaires. Yet for the most, as I have already said, that they grounded, if not their opinions, yet their answers to usuall objections against it, upon the power of *custome*, let Saint *Basil* tell them that shall make any question of it ; Whose words are these : *Εἴτα ἐπεὶ δὴ τὸ ἄκουσθαι πρὸς τοὺς αὐτὰ λέγοντες ἀπαιτῶνται, τί φασιν ; ὅτι δὴ πρὶν οὗτοῦ χρόνου συνεήσαντο πρὸς τὸ ψόφον, ἐκ τῆς ἡρώσεως συνεηθέντες αὐτῶν, ἐκ πολλῆς τῆς ὥρᾳ ἀκρότης μάλιστα πρὶν ἀκοῆσθαι ἀφηρήμεθα. ὥστε οἱ ἐν τοῖς χαλκείοις συνεχῶς τὰ ὦτα κατεκερνούμενοι, &c.* But when they that maintain this opinion are required to make it good by some sensible evidence, what say they ? Why, thus they say ; that our eares being used to this noise from our first entrance into the world, through this long use and custome from the beginning they have lost the sense of

it. As they who live in Smiths forges, whose eares are perpetually, &c. Which is quite contrary to that of Sennertus, that *consuetudo in sensus actiones nullam potestatem habet*. And now since that upon this subject of *Custome*, I have had occasion to say so much concerning the supposed *Cælestiall Harmonie* of the Sphæres, I shall willingly impart unto others what I have met with about it in the written *Adversaria* (for in any printed Book I have not as yet, that I remember :) of a man well knowne unto the world by his writings; though at this time, for some reasons, I shall desire to spare his Name.

Harmonia cœlestis ἀκρὴν viridis
supra fidem senectus ultra
annum centessimum.

Obtulit mihi more gentis suæ & Germanorum, librū suum amicorū, Ieremias Plancius Plancii F. qui nunc Amsterdami ministrum agit verbi divini: sed editione chartarum Geographicarum nomen suum fecit celebre.

lebre. In eo libro inveni hæc verba manu Roberti Constantini scripta.

Robore & constantia.

“Robertus Constantinus Baro Gyma-
“tius, & in Academia Montalbanensi
“Professor Græcarum literarum, Idem-
“que experientia quotidiana 24. anno-
“rum, assertor τῆς ὀρθῆς ἀρμονίας voca-
“lis audibilisque contra Aristotelem na-
“turalis Philosophiæ facile principem
“omnium, hæc ἀντιλογίας occupatiss.
“exaravi in gratiam hospitis mei, & Au-
“ditoris D. Ieremiæ Plancii, viri tum pi-
“etate, tum doctrina spectabilis. Mon-
“talbani anno Domini 1605. Ætatis no-
“stræ (summo Dei beneficio hucusque
“tam animo quam corpore ad miracu-
“lum integræ :) centesimo, ut ἀδελφοί,
“tum amici, tum invidi dinumerare sunt
“consueti. Senex autem nondum est vie-
“tus, qui virilia munera ἑταρκεύτως obi-
“re possit, & viriliter exercere.

Erat manus illius & elegans & firma, ac plane ejusmodi qualem verisimile est fuisse in ipso ætatis flore. descripsimus vero heic, & quod invenimus in alio libro simili de causa nobis allato.

Ο μὲν Θεὸς μόνος ὁ Θεός, πανάγαθός, καὶ παντοκράτης,
ἀλόγητος εἰς τοὺς αἰῶνας τῶν αἰώνων.

“Robertus Constantinus Baro Gyma-
“tius & Professor Græcarum literarum
“in Academia Montalbanensi, Idemque
“assertor audibilis cœlestisque harmo-
“niæ experienciâ quotidianâ plusquam
“viginti annorum.

“Hæc raptim exaravi in gratiam ami-
“ciss. viri atque eruditiss. D. Iohannis
“Davini. Montalbani 24. Febr. Anno
“1605. Robore & constantia.

*Hic est Rob. Constantinus, qui olim apud
Iulium Cæsarem [Scaligerum] vixit, &
postea Lexicon publicavit. Ceterum de hac
longe.*

longevitate ipsius, haud satis fidem illi habeo, nam video ipsum non planè affirmare. Quare more senum indulget sibi, & annorum suorum numerum, nisi fallor, aliquot supra fidem adauget.

So farre those written *Adversaria*. Of this *Constantinus* you may read in *Ibuanus tom. v.* of his great age and good worth as a schollar; and that hee was (*summus Bezae amicus* :) one of *Beza's* chiefest and dearest acquaintance. But of this pretended sensible knowledge of the *Cœlestiall Harmonie*, not one word there; which hath made me the more willing to insert here, and make publique, what I had else-where in my private possession about it.

And so much shall suffice at this time concerning the power of *custome* in things naturall; historically. Now, Philosophically, and speculatively, wee thus proceede.

First

First that it is not without danger, nor according to exact Truth, to say that Nature is alterable. For what is Nature properly, but the Order of God? If that bee mutable and violable; then is no more this World *κόσμος*; or orderly peece, but a masse of confusion; and that is it, that the Atheists, and the opposers of a Providence would have. Neither can there be any truth properly in those things, the nature whereof is altogether uncertaine; therefore uncertain, because unconstant. And where there is no Truth, there can bee no knowledge. As to the World therefore, confusion; so to the understanding, ignorance, from this uncertaintie and inconstancie must necessarily ensue. As for Miracles, though above nature, yet are they not properly against nature, since they are his proper worke, who is the Author of nature, and therefore originally, and suitably to his Nature, did reserve unto himselfe a power to dispense with his owne lawes whenever

soever hee thought fit. All Gods workes of themselves, and in regard of God, are equally naturall, though not in regard of us.

Wee say therefore that *custome* is not alwayes to be considered as opposit unto Nature, since it is the nature of sublunarie things, to bee altered by *custome*. And when *custome* hath once through continuance naturalized her selfe into any of them, then *custome* (to speake properly :) is no more *custome*, but Nature: according to that of old *Evenus* in *Arist.* πολυχρονίῳ μάλιστα τελευτῶσθαι φύσιν ἐν, that long use and exercise, becomes at last nature. Nature then we say, by the ordinance and appointment of its first Author, is twofold; originall, and *secundarie* or *adventitious*, and so *Gallen* plainely, τὰ ἐξ ἑθνεῶν, ἐπικτητοὶ φύσεις, *custome* is a kind of *adventitious*, or, *adscititious* nature. Neither is *custome*, when it is once become naturall, though adventitious, lesse naturall in regard of the common Nature of the Vniverse, from which at first it received the power

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and proprietie, to turne, in time, into nature; then that originall nature: though in regard of the particular subject, that it hath wrought upon, it bee but adventitious. When therefore it is commonly said, that such or such a thing *hath lost its nature*; it must bee understood of that particular nature and proprietie which it had at the first; not absolutely, as though it had departed from the law of Nature in generall; since that Nature it selfe hath made it so alterable. As of death wee say vulgarly, that it is *against nature*; though it bee as properly, and truely the worke of Nature, as birth or generation is; and as naturall to the nature of the Vniverse. And so is that true of *Aristotle* (which wee have spoken before :) that *Φύσις οὐκ ἐκκρούεῖ*, *Nature cannot bee driven away*, being understood of Vniversall Nature.

Gallen, a great admirer of Nature, and much to bee admired himselfe, for his painefull travels in the search of it, hath another way to reduce *custome* unto Nature.

ture. His opinion is, that any mans nature may bee known, or at leſt, probably gueſt at, by thoſe things that he is uſed unto. And therefore prefers thoſe Phyſicians that allow unto their patients whatſoever they have been uſed to, though contrary to art; before them who keepe them ſtrictly to the generall preſcripts without reſpect to their proper conſtitution : οἱ πλείους γὰρ τῶν ἐπιζόντων, ſaith hee, ὅποιον, ἔχει οἰκεῖον ἀγειώται τῇ φύσει, διὰ τὸ βλαπτόμενους πολλάκις ὑπὸ τῶν ἐκ οἰκῶν ἀφίσαλ. That is, *Moſt men that uſe themſelves to any thing, whatſoever it bee, they muſt be conceived to pitch upon ſuch things, as are moſt ſutable to their owne Nature; for that finding hurt by thoſe things that are contrary unto it, they are forced to forbear them ſpeedily.* Yea plainly, that none can ἐμμελῶς τοῖς κακοῖς ἔχειν, long continue in an evill *cuſtome* contrary to their proper conſtitutions, who are not extremely madde and ſenſeleſſe. By this, *cuſtome* and Nature ſhould bee all one : or at leaſt *cuſtome* for the moſt part, nothing elſe but the fruits

and effects of originall Nature. For my part I should easily grant that any mans present constitution (which you may call his Nature, for the time, though improperly :) may not unlikely bee judged of, by those things that are *customarie* unto him. But that a mans originall temper and constitution (which is it that *Gallen* there speakes of:) may so bee knowne, except we shall extend *madnesse*, and *senslesnesse* very far, common experience will disprove. For what generally more naturall unto all men, then temperance and sobrietie? And what more generally practised in the World, among all sorts of men, then excesse, and ryot, and intemperance, in some one kind or other, if not in all? But by the way; If in the judgement of *Gallen* a heathen, all such are to be reputed as *mad men*, because they respect their health and corporall welfare no more; what would hee have said of them, had hee beene a Christian, for their wilfull casting away of their soules (so much more precious then the body,

body, by how much Heaven doth excell
the earth :) by the said courses? Certain-
ly *madnesse* is a far more generall evill,
then most men thinke. But this, by the
way onely. When Phylosophers dispute
(as many doe :) whether Nature or edu-
cation, that is, *custome*, be more power-
full to frame and fashion a mans life; it
would be but an absurd question, scarce
fit to be proposed by any sober man,
much more unfit to bee so seriously dis-
puted of by learned Philosophers, if na-
ture and *custome* in this sense come all to
one. But I shall here appeale from *Gallen*
unto *Gallen* himselfe, whose words in his
Ἐπομν. β. upon *Hippoc. Prognost.* (treating
there of the proper and most naturall
time of sleepe :) are these: ἀλλ' ὅτι τῷ
Ἱπποκράτους χρόνων, ὅτε ἄλλο μ' ὡς ὁ καὶ φύσιν,
ἄλλο ὃ τὰ ἔθνη. νυνὶ δ' ἑμπαλιν, &c. *In the*
dayes of Hippocrates indeed, that which is
according to nature, and that which is accor-
ding to custome, was all one. But now it is
quite otherwise, &c. And presently againe,
κυριώτερον γὰρ ἐν γε τοῖς νυνὶ χρόνοις ὅτι ὁ ἔθνος τ'
I 3 φύσις.

Φύσις, &c. *In these dayes, custome is of more power then nature, &c.*

Tullie also his conceit in his *Tusculans* is not to be omitted; who having spoken of some that had hardned themselves to indure great extremities of heate, and of cold; as also bodily paines in other kinds, intolerable unto others; all this with either no sense; or at least, most wonderfull patience; whereas other men adscribe all this unto *custome*, hee would have it to bee Nature, even common Nature. For saith he, *Nunquam naturam mos vinceret; est enim ea semper invicta*: *It is not a thing possible that custome should prevaile against Nature; for nature is unconquerable.* How then, say wee, comes it to passe that other men cannot endure the said extremities, if not against nature? Because, saith hee, we have through *custome* used our bodies to tenderesse, and so made that intolerable unto them, which by nature is very tolerable; His words are, *Sed nos umbris, deliciis, otio, languore, desidia animum infecimus, opinionibus maloq; more delinitum, molli-*

mollivimus, &c. We with our shades and other wanton inventions and uses ; with our idlenesse, loosenesse, long continued lazinesse, have corrupted our minds, and through the power of false opinions and bad customs have softned and effeminated our selves into this tendernesse : &c. There is certainly, though it seemes not perchance so plausible at first, much truth in this opinion. I appeale unto them, (and they are not a few :) that have maintained, that Nature hath sufficiently fenced man (as well as other creatures :) against all excesse of either heate or cold ; and that clothes seeme now necessary, *custome* to bee the cause, not nature. *Synesius* a learned Philosopher, at first ; and afterwards a worthy father of the Church, also ; in his *de Calvitio*, or, *commendation of baldnesse*, seemes to be of opinion (seriously ; though his subject may seeme but jocular :) that if men did weare neither hats nor hayres upon their heads, their sculs used to the Sunne and to the weather, would in time grow to that hardnesse, as to become almost

most impenetrable. To this purpose hee first brings a testimonie of *Herodotus*, of the difference of Ægyptian and Persick sculs, observed by *Herodotus* himselfe by the direction of the natives of the Countrey; the one being so hard, ὡς μόλις ἀνὶ λίθῳ πάσας διαρρήξδας, that a stone throwne against them would hardly crack them; the other so brittle, that the least knocke would breake them; this difference being conceived both by the inhabitants themselves, and by *Herodotus*, to proceed from this cause, because the one were wont to goe bare headed, and shaven from their youths; and the others σκινέ-φείοντες δὲ δρχῆς (to use his owne elegant expression :) πῖλους παρέχαστε φορέοντες, sheltered from the Sunne, with hats and other head-attire. This hee further confirms by an example of his times, there being then (as *Synesius* relates it :) in the towne, a certaine poore bald pate (not by nature, but art :) who did use to goe up and downe the streets, and to shew himselfe at all ordinary great concurses of people,

people, as at the ordinary *races* of the *Circus*, and the like; so that no man was better knowne in the whole towne. This man with his bare head, would butte with a ram (were hee never so stout :) and put him to the worst; suffer tyles to be throwne at his head, and make them flye in pieces : as also endure scalding pitch to bee powred upon his head. This, and the like, to shew (to the great astonishment of the beholders :) the stoutnesse and unsensiblenesse of his head-piece. But it might be so naturally; you may thinke perchance. No; it was by *custome*; or rather if you will (which is that *Tullie* would have :) *naturally*; but no otherwise *naturally* in him, then in other men that would use the meanes. For *Synefius* saith expressely, that himselfe could for a need have wrought his own head to this, in case hee had no other meanes to subsist by; but therefore gives God thanks, that hee needed it not. I say therefore, to returne unto *Tully*, that there is a great deale of truth in that opinion of his. Yet

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to stretch nature so farre, as he doth there, even to them, *qui cum ad flammam se applicuerint, sine gemitu aduruntur*; who can suffer their bodies to be burnt by degrees, and yet not seeme to feele it; (of whom *Lucianus* in his *Peregrinus* speakes, as more particularly, so more incredibly; and yet, I thinke, truely enough :) and the like; I cannot hold that to be according to truth. Neither I thinke would *Tullie* (as excellent a Philosopher every whit; as he was an excellent Orator :) have affirmed it, but upon such an occasion, having taken upon him in that place, the defence of that unnaturall paradoxe of the Stoicks, *That no extremity of bodily paine and torments, could hinder or lessen a wise mans happinesse in this world*; glad therefore of any thing, that had but some colour of truth, though not so solid otherwise. And thus much by the way of *Gallen* and *Tullie* their opinions concerning the power of *custome*.

Secondly, that Nature in a generall sense is not mutable, that is, cannot exorbitate

bitate or go beyond the bounds that were at first set unto it by its author, may appeare, first by those lawes and orders that God hath set inviolably to some sublimarie things. as to the Sea, so that it shall not overflow the Earth, *Iob 38.8*, &c. and to the World in generall concerning the seasons of the yeare, that they shall never faile, *Gen. 8. 22*. but especially, by those that it hath set to those purer bodies above, which as they are not by nature changeable; so doe most firmly and constantly continue in their first office and forme. For as for such alterations, that even in them some Astronomers tell us of, till they bee better knowne and agreed upon, we shall not need to take any notice of them; neither indeed are they such alterations, as would crosse, but rather confirme, what we shall here say.

*Sol & Luna suo lustrantes lumine circum
Perdocuere homines annorum tempora
verti;*

Et certaratione gerirem, atq; ordine certo:
saith old *Lucretius*. Even they who by

reason of the frailtie and mutabilitie of sublunarie things called this world in scorne, *κυκεώνα*, and *Φυρμὸν*, a *meere botch pot*, a *masse of confusion*, and the like; yet when they looked up, and observed there such glory, such order; such constancie, such immutabilitie; they were driven to acknowledge a rationall power and providence over the Whole. And even this *κυκεών*, this *Φυρμός*, this *minge mangle*, or what ever they will, of sublunarie things; had they well viewed it with more rationall eyes, then they did; as *Plinie* well in a place speaking of the gnat (If my memory faile me not,) *nusquam natura magis tota, quàm in minimis*; that the power of Nature was greatest in her lest workes; so would they with admiration have said of it, that *nusquam potentior natura, quàm in maximè fragilibus*; or if you will have it in the words of Saint *Paul* (that ye may know God to be the same God in things naturall, as hee is in things spirituall, as in truth, there is but one truth both of things spirituall and naturall:) that n

δυνάμεις τῆς Θεοῦ ἐν ἀδυνείᾳ τελφοῦται, that it is the heighth and perfection of the divine power to shew it selfe most powerfull in those things that are most weake.

Thirdly, it is further to be considered, that where *custome* makes an alteration, and becomes φύσις ἐπικτήτως, *ascititious nature*; yet doth it seldome so overcome nature originall, but that it hath some force and secret operation in and upon the subject; the lesse visible, the more powerfull; yea the more dangerous; as it prooves oftentimes. So through *custome* a man may bring himselfe to an habite of intemperance, that it shall not bee in his power, nor safe for his body, perchance to returne unto sobrietic. Yet neither is it at first without danger (it is death unto many to attempt it :) and (if *Gallen* may be credited :) it is a great chance, if at the last (though the inconvenience of it bee not presently perceived :) it doe not proove some way or other pernicious. What, if some intemperate men attaine to 60. or 80? They may thank the strength

A Treatise of Use and Custome.

of their nature for it, which bad *custome* could no sooner overthrow. and had they beene sober men, it is more then likely, their life how long soever, might have beene longer by 20. yeares at least. So, a man through continuall labour and industrie may doe much in the pursuite of some art or science; yet if hee have not a *genius* to it, a naturall aptitude and disposition, he shall never attaine (be his labour never so great :) to any great perfection: whereas lesse labour in a way more sutable to his nature, might have made him excellent. Hence is that Præcept of the Poet,

Tu nihil invita, dices faciesq; Minerva;
that we doe nothing *invita Minerva*, that is, as *Tullie* doth interpret it in his first *de Offic. adversante & repugnante natura*. I omit many pregnant passages to this purpose of the two great Naturalists, *Hipocrates* and *Gallen*; which you may read, either in themselves; or, if that will serve your turne, in *Huart*, his *Examen des Ingenios*. They are all for originall nature,
and

and without it they thinke all labour is lost. So saith *Seneca* too : *Inclinandum quò te vis ingenii defert. Malè enim respondent coacta ingenia, reluctantè natura irritus labor est.* I must confesse, I am not altogether of their opinion ; neither was *Plutarch* I am sure ; and examples there be (if we were now to argue the case) good store to the contrary. Nevertheless, their admonitions, I acknowledge, are to good purpose, that Parents and Masters should carefully observe the naturall inclination of youths, before they designe them to any particular profession. This for the most part is the safest way. That's enough, though we say no more.

Fourthly, besides, in many things, when a man hath done all that art can, and industrie ; yet cannot he bee secure, but that nature Originall may returne and shew her selfe upon the suddaine ; and that to his cost, as it may proove. As for example, wee read of divers, that have taken great paines to tame wild beasts, that they might use them as familiarly, as we

wce doe commonly those, which are tame by nature. And we read withall of divers who have found by wofull experience, that forced nature is of those things, which by a wise man may not be trusted. Witnesse hee of whom *Martiall* speakes, ii. 75.

*Verbera securi solitus Leo ferre magistri,
Insertamq; pati blandus in ora manum :
Dedidicit pacem, subito feritate reversa,
Quanta nec in Lybicus debuit esse jugis :*
and, *de spectac. x.*

*Laferat ingrato Leo perfidus ore magistrum,
Ausus tam notas contemnerare manus, &c.*
The Poet therefore had some reason, (though it hold not in all things equally :) when he said,

*Naturam expellas furca licet usq;
recurret,
Et mala perumpet furtim fastidia
victrix.*

Fifthly, it hath beene observed of some free stones, that when they are used in a building if they bee laid in that proper posture,

posture, which they had naturally in their quarries, they grow very hard and durable against both time and weather; if that be changed, that they consume and moulder away in a short time. Certainly, art may doe much, and *custome* much; but to follow nature (where nature herselfe hath not degenerated :) is alwaies both the surer, and most commendable. And so I shall conclude this part of the power of *custome* in things naturall, with the words of a Heathen, but such as may become a Christian, ὦ φύσις, ἐκ σὺ πάντα, ἐν σοὶ πάντα, εἰς σὲ πάντα. πᾶν μοι σωαρμόζει, ὃ σοι βάρμυσον. ὁδὸν μοι πρὸς ὧρον, ὁδὸν ὀψιμον, ὅ σοι βύρραρον. O nature, from thee are all things, in thee all things subsist, and to thee all tend. What ever it be that fits thee well, fits me likewise, as being part of thee. Nothing that thy seasons beare, is to me, (as either too forward, or too backward,) unseasonable, &c.

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THe ancient Greeke Philosophers said, ὁ κόσμος ἀλλοίωσις, *This world is but a change*; and the Apostle speaking of the *World*, very elegantly and emphatically calls it, ὁ σχῆμα τῷ κόσμῳ, rather than κόσμος, intimating thereby, that this *World*, to speake of it truely and properly, is rather a matter of *fashion*, then of substance. Σχῆμα ὃ ἐκάλειπεν (saith *Theophylact* upon the place, lately most elegantly printed in *London*, as the happy first fruits of a greater harvest of Greeke Manuscripts to bee set out here in *England*, to the great honour of this Realme, and the no lesse contentment of all true lovers of learning :) ἐμφάνων ὅτι ἄλλως ὅψιν εἰσι τὰ τῷ παρόντος κόσμῳ, καὶ ἐπιπόλαια, μηδὲν βεβηκὸς καὶ ὀσιώδεις ἔχοντα. *Hee calls it σχῆμα, or fashion, to teach us, that all the things of this present world, are but objects of the eye only, and serve but for a shew, as things meere-*
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ly superficial, without any either stabilitie, or substance in themselves. It is so, if wee consider those things, which, both in regard of their forme and matter, are meere-ly naturall, and it is so if wee consider those, which have their existence in, and from the will of man. The body of man is not so mutable, as his will is: nor the persons and outward features of men, so different one from another, as their minds. *Nova vita, novos mores postulat*, saith the *Comick*. Wee have more reason to say, *Novus dies, novos mores*. And yet that is more then wee can truely say of many, who in one day shift themselves often, and are not the men that they were; neither in regard of their mind, nor happily of their fashions. *Ἡμεῖς τε γὰρ ὁ σιμάμεται μόνον* (saith excellently Saint Nazianzene to this purpose. *Orat. de Spir. Sancto*.) *ἀλλὰ καὶ ἀντίθετοι, καὶ ἀλλήλοις καὶ ἑμῶν αὐτοῖς, ὅθεν ὅτι μίας ἡμέρας οἱ αὐτοὶ καθαροὶ γινώσκοντες, μὴ ὅτι τὸ ἀπορῶντα βίον, ἀλλὰ καὶ σώμασι καὶ ψυχῇς ἀεὶ ῥέοντες τε καὶ μεταπίπτοντες.* *We are not mixt creatures onely, but also con-*

trarie ; both to others and to our owne selves : not continuing truely and intirely the same, not so much as one day, much lesse our whole lives : but both in regard of our bodies and in regard of our soules (or minds :) perpetually flowing and perpetually changing.

From this mutabilitie and inconstancie of mans will, wee may first deduce *Varietie* of fashions and *customes*. But secondly, differences of places and times cause difference of fashions and *customes* ; and this of necessitie. For it is not possible for many reasons, that men that live under different clymates, should all live after one fashion : nor that the inhabitants of one place (the state of things altering often as it doth :) should alwaies live after one sort. Hence are in different places and Kingdomes, at all times ; and in the same places and Kingdomes, by certaine revolutions of times, sometimes longer, sometimes shorter, different fashions, different *customes*, different lawes. Old fables tell us of one *Epimenides*, who after a continuall sleepe of fiftie yeares awaked

waked with amazement, finding a new world, every where (as of men, so of fashions :) since hee had seene it last. Let this long sleepe goe, as well it may, for a fabulous thing : the effects of it, I am sure; (his amazement, I meane) might have beene credible enough, though the sleepe had beene shorter by many yeares. In some Countries (for all Countries are not equally light and phantasticke; and they are happy Countries, that are left :) if men should but put on those clothes that they left of but foure or five yeares agoe, and use those fashions that then were in use, they would seeme, even unto themselves, ridiculous; and unto many, little lesse then monstrous.

The consideration of this *varietie* affords, as unto the Naturalists, matter of speculation, how even herein nature delights in *varietie*; so unto the Divine, matter of indignation, to see the vanitie of mortall men, who for the most part spend themselves wholly, their wits and their lives, upon things so transitorie;

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and spend little or no time at all, upon the onely $\text{Θ}^{\prime} \text{ } \frac{2}{3}$, (as both Philosophers and the Scriptures are wont to speake :) *God*, that is, and his service, and the Knowledge of his *Truth*; which are the onely things that are permanent, and have realitie of existence in this World; and therefore commended unto us by Christ, as the $\text{Θ}^{\prime} \text{ } \frac{1}{2}$ of all our many cares and busineses in this World; the *one* only thing that is profitable & necessary. But to forbear that which I find already done by divers Divines, Naturalists, and others fully and sufficiently: I shall here onely observe the power and providence of Almighty God, who as hee can out of darkenesse bring forth light, so can turne these wretched effects (in themselves :) of mans frailtie and corruption, to be the meanes, in part, of his happinesse. I say therefore, that what in the Heavens, the Sunne and the Moone, divers Starres and Planets are, for the naturall division of times, *to divide the day from the night, to be for signes and for seasons, and for dayes, and for yeares,*

yeares, Gen. i. 14. without which division of times and seasons, there would bee no living in this World: so *varietie* of fashions and *customes*, serve unto man for the Civill or politicke distinction of the severall times and ages of the World, without which there would be little certaine knowledge, and little or no truth amongst men. By *varietie* of *customes*, I here understand also *varietie* of languages, and dialects, and words, (all which depend of *custome* as much, if not more then any other thing of the World besides; as elsewhere shall be shewed :) as conducing to the knowledge of the Truth in this World, no lesse then *varietie* of manners. Now to make this good that I have said, I must first of all suppose, which I thinke no man will deny, that by bookes especially wee come to the knowledge of Truth. Of truth in generall, by bookes especially; in some peculiar objects of Truth, as in matters of Historie wee have them onely to trust to. And in matter of bookes,
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the Authors of the bookes, and the times when the Authors lived, is mainly considerable. For accordingly doe wee give credite (especially in point of Historie and truth of religion :) to the Bookes themselves, more or lesse, for the most part. In many things, this alone, to know the Author of the booke, is enough to decide many controversies. But what if the Title deceive us, and some *ἐκτετακτα* of some idle braine of our age, represent it selfe unto us upon the stage under the gray haire of authenticke antiquitie? Have there not beene such impostors at all times, who have attempted (would I could say, they have attempted it onely :) to abuse the World with supposititious Titles and Names? What profession so sacred, or so vulgar, that hath not suffered in all ages, by this kind of men? Divines, Lawyers, Physicians, Philosophers, Historians, have in all ages complained of them: and in those ages, when by reason of the ignorance of the times, men have not beene able to discover them, what errors

rors and absurdities, both in matter of knowledge and practise, both in the Church and in the Commonwealth, have ensued thereupon, to those that are learned, is not unknowne, I am sure; and I may not so far digresse at this time, to satisfie the ignorant. Of all noble Impostors in this kind, I will instance but in one. *Annius Viterbiensis*, a Monke by profession, who lived some two hundred yeares agoe, having attained to more then ordinary knowledge both of the tongues and Histories, applyed himselfe by his knowledge and proficiencie, not to helpe, but to cheat the World. To that end hee counterfeited divers ancient Historians of best note and greatest antiquitie, as *Berosus*, *Manetho*, *Catonis Origines*, and the like, which had not beene heard of in many ages; and wrote Comments upon them, himselfe being both Text and Comment, that the World might have the lesse occasion to suspect his fraud: and passed so current for a long time, that even to this day (though followed and
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discried by divers learned men of all nations and professions :) many can scarce perswade themselves, that so many fine Titles and shewes, should be but a piece of juggling. Now what shamefull errors and mistakes in point of History both Ecclesiasticall and Civill, they that have trusted unto him have beene led into by this jugglor, any man may imagine, and many have written of it.

Now the ordinary and surest way generally to find out a counterfeit Author in this kind, is by his style, and by an accurate examination of those particular fashions, and *customes* that he doth either *obiter*, (which can hardly bee avoyded in any booke of what subject soever it be :) or purposely speake of, how well they fit and sute to the time and place that is pretended. Take away these two *κριτήρια*, of words and *customes*, and it will bee a hard taske for any man to discover and evict the supposititiousnes of any writing. Hence it is, that in the Scriptures both of the Old and New Testament, by
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Gods great providence all things (for the most part :) bee so punctually set downe with all kind of circumstances at large; which though illiterate men perchance passe over by reason of their ignorance, yet men of learning, to whom the state of the World from the beginning with the severall periods, alterations, and revolutions of it (as farre as it can be knowne by ancient bookes and Records :) is not unknowne, receive marveilous satisfacti- on from them, both for the better con- firmation of their faith, and the greater contentment of their minds. For this cause men of judgement, that would gladly make use of their owne eyes to see the way that leades unto truth, and not al- together to depend from the abilitie both and fidelitie of others, have taken so much paines about words, as also to bee well verst in the rites and *customes* of all ages and places. Neither can it be denied by men of understanding, but that this way of studie hath beene, next under

God, the chiefeſt meanes of this bleſſed *παλιγγενεσία*, or new birth of learning, which begun not much above a hundred yeares agoe. And I muſt confeſſe, I have wondred with my ſelfe ſometimes, that this kind of learning being come to that height or perfection as it is in our dayes, no man hath yet laboured for the eaſe of others, to reduce it to ſome certaine Method and rules of art, as it were; as by ſetting downe the proper words and rites of every age and place, whereby they are diſcernable from another; by the help whereof, even men of ordinary learning might give a good gueſſe at the age of every Author that they have occaſion to uſe, nor be altogether ſo lyable to the impoſtures or fallaries, as they are. Which certainly is feaſable enough, if not to perfection, yet to a good degree of publicke utilitie. But on the other ſide, when I call to mind, that Impoſtors would bee the firſt that would make uſe of this art, to make their forgeries the more paſſable
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(as certainly they would :) then I thinke it very happy, that it is not, neither of it selfe more easie to attaine unto, nor made more common by the labour of others, then it is.

What I have said of the knowledge of old *customs* and the use thereof, in matter of bookes, is as true in matter of old writings and evidences of what kind soever. True it is, that nothing should bee more sacred and inviolable amongst men, then publicke instruments, and evidences, whose onely end and use, is, to be witnesses unto the truth, and to protect it from her many enemies, as malice, favour, partialitie, and the like. Yet how rightly *Seneca* said, *Nil esse tam sacrum quod sacrilegum non inveniatur*, may appeare even in this particular. For it is well knowne, that even of old, many evidences have beene forged to abuse the World withall: and that sometimes, not by one or two secretly combining, but even by many unanimously conspiring together, against the Truth. For example, I find that about

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A Treatise of Vse and Custome.

some foure hundred yeares agoe, *Gregorie* the ninth being then Pope of *Rome*, and Saint *Edmond*, Archbishop of *Canterburie*, the Monkes of *Canterburie* were convicted to have counterfeited, or adulterated a certaine Charter of *Thomas* of *Bec-ket*, by which they claimed certaine pri- viledges. For which abominable fact and other enormities, that worthy pious Prelate intended great and severe punish- ments upon the whole Convent. But they having made *Otho* the Popes Legate and *Edmunds* great enemy, their friend, prevailed with the Pope, that the cause might bee referred to the said *Otho*: And in conclusion, but three of the whole Convent were found guiltie by *Otho*. And upon this favourable information, and friendly mediation withall of the Le- gate, the Pope sent a dispensation unto the Monasterie, by which hee did acquit them both from present further trou- bles, and from future deserved infamie for such an infamous Act. Even those three that were found guilty, it was judged

judged they had done it *in Spiritu simplicitatis* (so runnes the Dispensation :) and for this their simplicitie, forsooth, they were, not exiled, but confined to certaine places to doe penance. No wonder if others have made bold in that kind since, if the imputation of *simplicitie* was the worst that would come of it. *Simplicitas digna favore fuit*, saith one of the old Poets. If wee looke backe unto better and purer ages, wee shall not find I am sure that *Simplicitie*, was ever objected unto any as a crime; but in Monckes especially, that once it was thought their chiefest commendation, I find in many Fathers. But since it is as it is, wee may thanke God, that evidences and old writings as well as other things, have had their proper *customs* in almost all ages; by the knowledge and consideration whereof the true for the most part, (if the Impostor hath not beene very cunning :) may bee easily knowne from the counterfeit. For not to speake here either of the words themselves or forme of writing, or manner

ner of orthographie, as well considerable in these, as in bookes; besides these, there are divers other things, that are observable. There have beene times, when Seales have beene in use, and times when they were not: when such and such seales, and such and such dates; when such and such subscriptions, and superscriptions; and sundry such particulars; much differing one from another all of them, according to their severall times and places. Those therefore take a very good course, who when they have occasion to set out any ancient Records and evidences, keepe to their originals in all points, as neere as may be, to give the better satisfaction unto the learned: which is the course I see (and am heartily glad to see it:) that Sir *Henrie Spilman* Knight, that learned and painefull Antiquarie, does take in the publication of the *English* Synods; which (for the good and honour of our *English* Church :) he is now about. For in very truth, a very small alteration, is enough sometimes to make a true Record suspected.

suspected. As for example; That those small Arithmetical figures (which wee had from the *Maures* or *Arabs*, as they from the *Indians* :) have not beene knowne or in use amongst us Christians scarce yet foure hundred yeares, hath beene observed by men perfectly well versed in the knowledge, both of ancient times and writings. They were much to blame therefore, who setting out some writings of above seven hundred yeares antiquitie, and professing to follow the Originalls very exactly and punctually in all circumstances of writing; made no scrupule in lieu of those *Roman* figures then in use, to put these small ones so lately received, which certainly they found not in those Originalls.

In the same Manuscript, where the Dispensation that I have spoken of concerning the falsarie Monkes, is registred; I remember to have read a strange Note, (so it seemed unto me :) concerning ancient Charters and evidences, when they first began to bee in use in this Countrey:

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which Note because it is of great consequence (in case it should proove true :) for the better conviction of many supposititious Charters, pretended to be of great antiquitie, I will here set it downe as it is there to be seene.

Sanctus Ethelbertus Rex Angliæ qui suscepit Christianitatem a Beato Augustino misso a Beato Gregorio Papa Anno Dom. D X C V I. in Ecclesia Christi Cant. dedit eidem August. & successoribus palacium Regium & sedem perpetuam in Civitate Doreborniæ, quæ nunc dicitur Cant. cum Ecclesia veteri quæ ab Antiquo tempore Romanorum ibidem fuerat fabricata, quam ipsemet Augustinus Sancti Salvatoris nomine dedicavit post consecrationem suam Arelatenis factam, Statuit & idem Rex autoritate Sanctæ Romanæ Ecclesiæ, ut in Ecclesia Cantuar. ordinem Monasticum Monachi in perpetuum observarent, ne primorum videlicet prædicatio Monachorum, a memoriâ deleretur, sed semper recens in mentibus succedentium perseveraret. Dedit etiam idem Rex possessiones amplas prædictis fratribus infra
Civitatem

*Civitatem Cant. & extra. & exinde dicta
Dorobernensis Ecclesia, propter primatum,
& quia inde primò Christiana Religio ema-
navit, & Regnum Anglorum illuminavit, si-
cut Rex ipse tenuit suas terras & consuetudi-
nes liberas & quietas in suo dominio, ita
Archiepiscopus & Ecclesia prænominata te-
nuit terras suas & consuetudines suas omni-
no liberas & quietas in suo dominio, & in-
concussè habuit dicta Ecclesia Cantuar. om-
nimodas libertates & consuetudines suas in
possessione pacifica sine interruptione cujus-
quam ex consuetudine & antiquo more sine
cartis vel monumentis Regis usq; ad tempo-
ra Whytredi Regis (who dyed the 23. of
Aprill, in the yeare of our Lord, 725. ha-
ving reigned 34. yeares, and sixe months,
according to Beda's calculation :) cujus
munimenti tenor talis est.*

This I commit to the further confide-
ration of the learned antiquaries of this
land, not willing in a matter of such mo-
ment, to interpose my judgement either
way ; and certaine besides, that much
may bee said, both for it and against it.

Onely that the matter (to them especially that know nothing but what is now done :) may not appeare altogether incredible, I shall put the reader in mind of a passage of *Ingulphus*, who speaking of the times of *William the Conqueror* hath this observation. *Conferebantur etiam primò multa prædia nudo verbo absq̃ scripto, vel chartâ, tantum cum Domini gladio, vel galeâ, vel cornu, vel cratera. Et plurima tenementa cum calcari, cum strigili, cum arcu; Et nonnulla cum sagitta. Sed hæc initio Regni sui: posterioribus annis immutatus est iste modus.*

So much of the good that comes unto the World, from this *varietie* of fashions and *customes*; the wretched effects, in themselves, and the meanes withall, (in this age especially :) of mans *vanitie* and *miserie*. We have touched upon it, rather then treated of it. For indeed to speake of it fully, it would require a large Treatise by it selfe. But whatsoever the use of this kind of knowledge be, I thinke there is not (I speake it for the further incourage-

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agement of them that will take paines in this kind :) any kind of knowledge that can afford more content and pleasure to an ingenuous mind. For since that the severall ages of the World differ little one from another, but by those outward markes and recognisances of different rites and *customes*: Hee that knowes certainly (as it may be knowne by a practized Schollar in this kind of learning :) what hath beene the particular estate, if not of all (since there are not bookes extant of all:) yet of most ages of the World, wherein they differed one from another, and wherein they agreed; what peculiar, and what common to every one; he doth as it were enjoy the memorie, of so many yeares, and so many ages past, even as if hee himselfe had lived all those yeares, and outlasted all those ages. Hence it is, that Antiquaries are so taken with the sight of old things; not as doting (as I take it :) upon the bare either forme or matter (though both oftentimes be very notable in old things :) but because those visible

superviving evidences of antiquitie represent unto their minds former times, with as strong an impression, as if they were actually present, and in sight as it were: even as old men looke gladly upon those things, that they were wont to see, or have beene otherwise used unto in their younger yeares, as injoying those yeares againe in some sort, in those visible and palpable remembrances. As for those men that have not this knowledge, though they be told that such things bee ancient, yet for want of that knowledge and judgement, which might satisfie them, that they are so in very deed; and because happily, they know little or nothing of former ages, the present representation whereof, occasioned by those ancient evidences might affect their minds; it is no wonder if the sight of such things, be unto them as either pleasing colours to the blind, or sweete Musicke to the deafe.

And now having done with the good Vses of this *Varietie* through Gods great mercy;

mercy; wee are to consider the bad use of it, (which I feare is more generall :) through corrupt man his wickednes partly, and partly his ignorance. That in things of themselves indifferent, as in matter of eating and drinking; of cloathing, of civill complements, and the like, there should be *Varietie* of fashions and *customes* in the World, according to differences of either places or times; can bee neither occasion of wonder, nor offence unto any, that is not a great stranger unto the World; or rather indeed, unto reason and common sense it selfe. But in matters of right and wrong; of that which is just, or unjust, lawfull, and unlawfull; that there should be so much difference among nations (all consisting of men reasonable by nature :) not them onely that are of different Religions, but even them that professe but one Truth; yea, in the same nation, at severall times; is that which gives occasion both of wonder and of offence unto many; of error and wickednesse unto more; and hath wrought

wrought so farre upon some, as to make them peremptorily to affirme, that there is not any reall difference in nature betweene right and wrong, but only in the opinions of men, grounded chiefly upon custome. *Cum bonum & malum natura judicetur, & ea sint principia naturæ; certè honesta quoq; & turpia simili ratione dijudicanda, & ad naturam referenda sunt. Sed perturbat nos opinionum varietas, hominumque dissensio; & quia non idem contingit in sensibus, hos naturæ certos putamus: illa quæ alii sic, aliis secus, nec isdem semper uno modo videntur, ficta esse dicimus.* So learned and judicious Tullie of the vulgar opinions and judgements of his dayes: and had hee lived in ours, it is very probable hee would have said as much of ours. Instances to this purpose taken from ancient times concerning the varietie of mens judgements in point of right and wrong, wee have many in ancient Authors who either of purpose upon this very occasion; or upon some other occasion, and to another end, have treated of the different Lawes,

Lawes, and *customs* of severall nations. See Plato in his *Politico*, or *Minoe*. Bar-
desanes, in *Euseb. de Præpar. Evangel. lib.*
vi. 10. Sextus Empiricus, *Pyrr. hypot.* Ni-
colaus *de Mor. gentium*, in Stobæus; not to
mention any more. Certainly should
wee take all nations of the World (such
as have beene accounted moralized and
civilized nations, I meane; the wild and
barbarous being laid aside :) into consi-
deration, wee may generally conclude,
that there is scarce any vertue so much in
request in one place, but will be found to
bee a vice in another; scarce any vice
so much abhorred at one time in one
place; but at another time hath beene
thought in the same place if not a vertue,
yet no unlawfull thing. Those Authors
that I have but now mentioned, shall bee
my warrant for what I have said, if any
will not take it upon my credit. But in
point of right and wrong, wee need not
to goe so farre, to fetch our instances;
neerer times and places unto our selves,
and such as wee in many respects are bet-

ter acquainted with, will afford us sufficient instances. The Civill Law of the Romans, if any Law, might bee thought to be grounded upon reason, both in regard of the Authors of it, men of great worth and fame for their learning; and of the credit that it hath found with most nations in *Europe*, even to this day. That law thought it good reason to give absolute power unto fathers upon their children, power even of life and death, as long as they lived, except by volutary *emancipation*, or otherwise they had made them free. Children that dispose of themselves in marriage without the consent of their parents, are not by that law, lawfully married, and are lyable to great punishments. Neither of these is now any where thought either Law or reason; though *Bodinus* I know, in his *Politicks* is very eager for the one; and *Essenseus* a learned *Sorbonist*, hath written a learned discourse concerning the latter, whereby he doth endeavour to proove, that it is not onely against Lawes, but even *contra equitatem*

aequitatem naturalem, that *liberi in vitis parentibus*, should *contrahere matrimonia*, sub quorum *authoritate*, saith hee, & in quorum *potestate*, *Natura*, *Scriptura*, *Deus*, & *homines*, *liberos esse voluerunt. cap. 8.* Which I take the rather notice of, because hee layes the blame of all this, that it is not so every where as hee would have it, upon *vim consuetudinis* expresly, the power and tyranny of *custome*: which hee treates of in the thirteenth chapter. And to the same power of *custome* it seemes it must be imputed, that some Nations by their lawes and *customs*, have beene so favourable to stealers of young heires, to dispose of them in marriage at their owne will, against the will of the parents or guardians (of which kind of men you may read at large, *Decr. par. ii. Causa. 36.*) contrary to the practice of other nations, and to the dictates of reason, and a man would thinke, of common sense it selfe.

By the *Roman Lawes* (at least in *Trajans* time :) the Father, if a sonne dyed with-

out Issue, and intestate (but however, hee was to have *legitimam portionem* :) was to inherit, hee alone ; *sine diminutione*, *ne socium haberet hereditatis, qui non haberet luctus*, saith *Plinie* in his *Panegyrick* ; which was thought a good reason. For although according to the course of nature, & *votum parentum*, it bee more proper to children to inherit of their Fathers, then otherwise, yet *turbato ordine mortalitatis*, as the *Civilians* speake, when nature her selfe doth alter her course, and takes the child away before the Father, *Cur posteris amplior honor quàm majoribus haberetur ? curve retrò quoq; non recurreret equitas eadem ?* saith *Plinie* ; who therefore doth highly extoll *Trajan* for a Constitution of his to that purpose. And *Aristotle* upon the same grounds of Nature, goes yet further, *ὅτι δέξιναι ὑπὸ πατέρα ἀπειπαῖ, πατέρι δ' ὑόν.* That it is not lawfull (in point of right and reason grounded upon nature :) for any son upon any termes, to disinherit (abdicare, is more, but includes, disinheriting :) his Father, though a Father have power to disinherit

disinherit his son, Arist. Eth. Nicom. lib. viii. cap: ult. Yet in some Countries, though the Sonne die never so wealthy, and the Father survive never so poore and decaid, the Vncle shall inherit before the Father, by reason of a certaine Maxime in Law, that *Hæreditas descendit, non ascendit, inheritance doth descend and not ascend*, not in the right line that is; but in the collaterall it may; else the Vncle also were excluded. Yet is the Father granted to be nearer of blood: but nevertheles *eo nomine* because hee is Father, he is conceived incapable. On the other side, that *inheritance* which they call *jure representationis*, whereby the Issue of the Eldest sonne, doth inherit before the next in bloud, to witte the younger sonne, is Legall by the Civill Law, and approoved by the practice of most Countreys. Yet till within these few yeares, it was otherwise in *France* generally for many ages together, amongst all sorts of persons, both great and small.

But instances in this kind of the difference

rence of Iudgements and opinions in point of right and wrong, are so many and so obvious to any man that shall but conferre together the Lawes of severall Countries now in force in the principall places of *Europe*, that one or two are as good as a hundred, and a hundred, if need were, as easie to bee found as one or two. And though some Countries are more constant in their Lawes and *customs*, then some other are; yet I know none that hath beene so constant, where divers things may not be observed, once forbidden and punishable, some; now, legall and lawfull: others, now prohibited, which in former times were lawfull: in a word, no Nation or Countrey (neither *Medes*, nor *Persians* excepted:) where cancelling, reversing, and repealing of Lawes, and enacting of others much different, if not contrary, in their place and stead, hath not beene usuall. I speake not this of such alterations onely, as have necessarily proceeded from alterations of times and circumstances: of which *Du-*
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rantus in his *Speculo Iuris*, well and pertinently, *Nam secundum varietatem temporum jura variantur humana, Et nihil pene in semetipso manet, sed currit Natura, multas evolvens mutationes, quas neq³ praevidere facile est, neq³ predicere.* Therefore, *dicunt quidam* (saith the addition there :) *quod scientia juris Canonici vel Civilis non est propriè scientia, &c.* Such alterations, I know, may happen many, much different one from another, though grounded all upon the same reason. But I speake it of such especially, as proceed from varietie of opinions and judgements, in matter of right and wrong.

Now the power of *custome* in all these changes, alterations, differences according to varietie both of times and places, is two-fold.

First in that most of these differences and alterations have their beginning from *custome*, which by continuance doth not onely get the strength of Law, and goes for Law in all places ; but also commonly begets *Lawes*, properly so called.

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For that is the originall of most *Lawes* in most places. And it was both a witty and a true speech of him that first (as I find in *Suidas* and others :) defined *custome* to bee nothing else, but νόμος ἀγγραφος, *an unwritten Law* ; as on the other side *Law* to be ἔθος ἐγγραφον, *a written custome* : shewing thereby the difference betweene *Law*, properly so called ; and *custome* ; very well ; though it will not hold in all. And those *Lawes* that are thus grounded upon *custome*, are thought by many as the most acceptable, so the most naturall and obligatorie *Lawes* that are : as being not the invention of any one single man, but of long Time and experience. *Dio Chrysostomus* is very rethoricall upon this subject, and more rethoricall then sound sometimes ; as when hee saith, καθόλα ὅ τοις μὲν νόμοις φαίνεται τις ποιεῖν δούλων πολιτείαν. Ταὐτὸν δὲ ἐπὶ τῶν ἐλευθέρων, *that it is more proper for men that are free, to bee governed by custome ; as for men that serve, by Lawes* : whereas indeed true libertie doth consist in this, to bee subject unto reason, whether

whether commanded unto us by Lawes, or recommended by *custome*. But certainly it is no new thing for any Kingdome to bee governed by *custome* : and of the two it may generally be said, that *customs* were, before written Lawes, if not in all, yet in most Kingdomes. Which I observe the rather, because some learned men I see, are of opinion that *jus consuetudinarium*, and *consuetudo* in point of Law, are phrases of latter ages onely ; and particularly in *England*, not knowne or used till after the conquest of the *Normans*. But certainly *jus consuetudinarium*, whether wee looke upon the word or thing, is of greater antiquitie then so. In all Greeke Authors, as many as I remember, that write of Lawes, οἱ νόμοι καὶ τὰ ἔθη, *Lawes and customs* goe still together. In the Civill Law you shall read, not onely *de longa consuetudine*, as part of the Law in generall ; but also *de consuetudinibus municipiorum*, of particular *customs* of places, to bee kept and observed as Law. But when the word *consuetudo* came first, ei-

ther more particularly to be taken *pro servitio feudali* (which the Civilians call *servitutes prædiorum* :) for a certaine right that a Lord may challenge , and a Tenant is bound unto by *custome* ; Or yet more generally, for any *Ius* or *due* of what kind soever, that a man hath right unto by *custome*, I am not able to say certainly. For though this use of the word became most frequent and ordinary since the times of *William* the Conqueror , yet I find in some ancienter Charters *Iura & consuetudines* in this very sense : as in a Charter of Knutt, *de Portu Sandwici*, in these words , *Nullusq; omnino habet aliquam consuetudinem in dicto portu, &c.* And among the Lawes of King *Edmund*, confirmed by *William* the Conqueror, the title of one is, *De Baronibus, qui suas habent curias & consuetudines*. But whether the title bee as ancient , as the Law it selfe, may perchance bee doubted. I am the more inclinable to conceive the Latin *consuetudo* in this sense, to bee of longer standing then so, (then the times of the

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Conqueror, I meane or thereabouts :) because I am sure the Greeke *συνήθεια*, is ; as may appeare by the Greeke Lawes and *Constitutions* : as for example, where *αἱ συνήθειαι*, the *customs* are taken and used for certaine fees (called also *καθεδρατικά*, and *ἐκδοσιακά* :) due and payable at the Consecration, or, Intbronization of every Bishop, Archbishop, &c. Soe *Constitut. Novell. Iustin. Coll. ix. tit. vi. Nov. 123. c. 3.* Ὅτι *συνήθειαι* καὶ *ἐκδοσιακά* μόνον συγχωροῦμεν ἔχειν ὅσα τῶν χερτονομῶν Ἐπισκόπων, &c. *These fees (or customs) onely we allow as lawfull to bee payed by every Bishop, &c. and so often in that one Chapter.* And since wee are treating of *custome*, and have said somewhat of the Latin word *consuetudo*, I thinke it will not bee amisse to examine the originall of our adopted English *custome*. The Latin *consto* hath two significations ; to *coast*, and to *continue*. From *consto*, to *coast*, *n* being changed into *u*, is the french *couster* of the same signification ; from *consto*, to *continue*, it may bee that the french *coustume* might bee derived ; *coustume*, being in ve-

ry truth nothing else but a *continued*, or *constant* use and fashion, whatever bee the particular object of it. But I thinke it more probable, that it came from *couster*, to *coast*; and that *coustume* at first was properly taken for *vectigal*, tribute, tolle, or impost money. Now because matters of this nature, as *tributes* and *imposts*, are matters which concerne all men generally to take notice of, and such as goe by *custome* too, (*In omnibus vectigalibus ferè consuetudo spectari solet, idq; principalibus constitutionibus cavetur. D. 39. tit. 4. l. 4. f. 2.*) for the most part; it can bee no wonder if *custome* from that more proper signification, came afterwards to signifie *consuetudo* or *coustume* as wee now used it in common speech. So the word מִדָּה in Hebrew, which signifies a *measure*, commonly; and sometimes *tribute*; is by the Rabbins at this day (as it was by the ancient Hebrewes, for ought wee know, though wee have no examples of it in the Scriptures;) commonly used for *mores*, or *consuetudo*. And that of this Hebrew *middah*, not onely the Latin *modius*, for a
certaine

certaine measure, but also *modus* used for *fashion*, or *custome*, in generall is derived, is out of all question. And therefore *Aristotle*, where he treates *de jure naturali & positivo*, (*Ethic. l. v. c. 7.*) that *right*, or *Law*, which he calls, νομικὸν ἢ καὶ συνήθειαν, that is, that hath no ground in nature, but wholly depends of *mens customs and ordinances*, according to the variety both of times and places; hee very appositly compares τοῖς μέτροις, *to measures*; ὃ γὰρ (saith he :) πανταχοῦ ἴσα τὰ οἰκονομικὰ καὶ πολιτικὰ μέτρα, &c. And since Grammarians cannot agree about the derivation of the word *mos*, some deriving it from *meo*, some from *modus*, some from νόμος, and some from the Hebrew מוֹם, I know no reason why I may not more probably maintaine that *mos* (the rather, because it is a monasyllable :) is the pure Hebrew מוֹם *mas*, which signifies *tribute*. But to returne to our English word againe; this is observable of it, that when it is taken for *impost* or *tolle*, it is expressed in Latin not by *consuetudo*, but *custuma* properly:

as for example, *Registri*, p. 259. in a Breefe concerning forreigne Merchants: where nevertheles I must acknowledge, that I doe not understand the difference betweene *Telonium*, which the marginall note saith they are free from; and *custuma* which the Breefe itselfe charges upon them. For otherwise I should have thought that *telonium* and *custuma* had beene all one; but *telonium* the more common: And this the rather, because I find in the Lawes of Scotland (where the word *custuma* is more frequent :) *telonium* and *custumam*, for the same thing. And thus much concerning the words both English and Latin; though much; yet not too much, I hope, in a Discourse concerning *Custome*.

Secondly, whatever bee the beginning or occasion of these severall changes, alterations and differences, whether *custome* or any thing else; yet herein appeares the power of *custome*, to be no lesse strange and marveilous, in that in pro-
 cesse of time it makes all these differences
 and

and alterations, though never so contrary, to appeare in the eyes of men, not onely justifiable, but even best, so that all men of all Countries doe generally like their owne Lawes and *customes*, when once they have beene used unto them, best of any other; and are ready, if need be, with great confidence and eagerhesse, to maintaine them to be so against any gaine-sayers. ὁ δὲ ἄλλος μὲν (saith *Agathias* the Historian to this purpose :) ὅτι τῶν ἀνθρώπων ἔθνων ὡς ἕκαστοι εἶχε ὁ τῶν ἀνθρώπων νόμος ἐκπληροῦ νενικηκότι ἐμβιοτῶσιν, τῶτον δὲ ἀρίστον ἡγουῦται καὶ θεαπέσιον. *This is apparantly common to all the nations of the earth, that what law or custome soever they have beene long used unto, they preferre before any other, and deeme them very excellent.* Which made *Herodotus*, that ancient Historian, to blame *Cambyfes* King of *Persia*, very much, not as uncivill onely, but even as a mad man, in that hee so freely and tartly derided the *customes* and fashions, whether Civill or sacred of other Countries, which were deare unto them, and in their judge-

judgement very plausible. And why any man or nation should arrogate so much unto themselves, as to condemne and deride so freely and peremptorily whatsoever was contrarie to their owne *customs*, *eo nomine*, because contrary to their owne, though practized and approoved by other men and Nations, by nature equally reasonable; *Herodotus*, it seemes, saw no reason. Now that men generally thinke best of their owne fashions and *customs*, be they never so contrary, *Herodotus* doth shew, by relating a triall that *Darius* made of it, to satisfie himselfe, which was this: The Indians, those that were properly called *Calatians*, had a *custome* to eat their Parents and friends after their deaths; whereas the *Græcians* did use to burne them: both these being equally contrary to the *Persians*; who of the two probably, would soonest have beene perswaded to eate their dead, then to burne them, which could not bee without prophaning that which they accounted most holy, to wit, fire. *Darius* therefore, first
sends

sends for some Græcians, and asked them by themselves what they would take (and he was well able to give it, though they had asked many thousands,) to eat their Parents when they should bee dead. They answered, they would not doe it for the wealth of the World. Then hee sent for those Indians, and proposed unto them likewise upon what terme they would bee content to burne theirs. The very mooving whereof offended them so much, and seemed so prodigious, that instead of an answer, they humbly besought, he would forbear such horrible speeches unto them : and so were dismissed. Soe true is that of *Pindarus* (addes *Herodotus* :) that νόμος, that is, *custome*, is an *Vniversall Monarch*, or *King of all*.

This of *Herodotus*, puts mee in mind of a strange *custome* once practized, and in great request among the great ones of *Europe* ; which was this : If a Prince dyed out of his Countrey, they would chop his body in severall pieces, and boyle them in a kettle or some such vessell till

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all the flesh came from the bones ; and so send his bare bones to bee buried in his owne Countrey. *Bonifacius* the eight, speaking of it, calls it, *detestanda feritatis abusum, morem horribilem, Deo abominabilem, hominibus abhorrendum, immanem, impium, crudelem, &c.* and if it were so indeed, a man might wonder how Princes and Great men of that age came to bee so farre in love with it, as to take order before hand (as we read of divers ; and particularly of one of our *Edwards*, King of England, in *Froissard* :) in their life time, that they might bee so used after their death : but that the same *Bonifacius* tels us plainely, that it was, *vitio consuetudinis*, that they were bewicht to that mind and opinion of theirs. And not to goe from this very subject of the dead, who would not wonder, that Ancient Heathens, having forborne (and detested, I may say of many of them :) the ripping of humane dead bodies as inhumane, cruell, and barbarous ; (which is the reason that neither *Hippocrates*, *Aristotle*, nor *Gallen*,

Gallen, though great, yea incomparable naturalists otherwise, never saw, as many learned men are of opinion, any dead bodies dissected :) that now in our dayes the same thing amongst us Christians is ordinarily practized, and is neither matter of wonder nor of scandall unto any; though sometimes it bee done in a most unbeseeming manner, and all manner of persons admitted unto it, without respect at all of that Divine fabrick, which Saint *Chrysostome*, as I remember, saith in one place is much revered by the Angels of heaven themselves, in honour to Christs body, and his blessed Incarnation.

The power of *custome* then by these and the like instances, as in things naturall, so in Civill also, being granted to be very great; the next thing that wee are to consider, is, Whether wee shall grant it such power, as that it can make, if not all things, yet any thing at any time, which is right in reason or by nature, to become wrong, actually in point of practice; and

on the other side, that which reason and nature of themselves are against, to become if not laudible, yet allowable, and justifiable sometimes : that is in effect, whether right and wrong are by *nature* truely, and so absolutely immutable and invariable ; or otherwise. To this we answer ;

First, That as there is nothing truly naturall, that is not in some sort *rationall* (if not as capable of reason, yet as the effect of reason, *in summo gradu* ; that is, God ; and so rationall :) Soe there is nothing truly *rationall*, that is not as truely naturall, both in regard of God, the eternall and infinite cause of all things ; and in regard of men, whom God by nature hath made rationall. Whatsoever therefore is grounded upon reason, is truely and absolutely naturall. And so is the morall Law, which treates of humane vertues, and vices : and therefore altogether and indubitably naturall.

These words *nature* and *naturall*, are most shamefully mistaken and confounded

ded by some Christians that have treated of this subject, to wit, concerning *vertues and vices naturall*; which have made them to fall into detestable opinions, even such as Civill. Heathens themselves would have abhorred in other heathens. To instance in one; *Pontus Hunterus* of Delfe in Flanders, in his *de libera hominis nativitate, seu liberis natalibus*, cap. 2. 3. 4. hath these words; *Illud verò liberum populis omnibus (exceptis Christianis:) leges cum Naturâ reliquere, uxores è sanguine junctis acciperent. Nam hæc quoq; res, Legis est, non naturæ: ac qui hæc septa transiliunt, non in naturam, sed contra leges peccant. Nullum enim naturæ à rerum Creatore datum est, ad animalium generationem impedimentum, modo diversi inter se sexus, sanis corporibus conveniant. Non illa Matrem (horresco referens:) nec Sororem; sed pudor, verecundia, ac honestas, legibus ornata, rejiciunt: sanguinem non borret, &c.* This man, as appeares by what followes, takes *nature* here, and so in all this his Discourse, for *Natura vegetativa*, and na-

tura sensitiva only ; as though there were no such thing in *rerum natura* as *natura rationalis*. His rule therefore how wee may know things that are *contra naturam*, is by the present manifest inconvenience, that ensues to our naturall healths or lives, by those things. So that by him if a man cut his fathers throat, or rip his owne mother, as *Nero* did, and sleepe not a whit the worse, nor have the worse stomacke to his meate for it, hee doth not *crimen contra naturam committere*. And this is that *Natura*, which in another place hee calls them *prudentes* that obey, notwithstanding any lawes to the contrarie. I must confesse he is not the first that hath taken *nature* in this sense. For by those words *Lex naturæ*, some understand in a strict sense, that law properly which is common unto rationall and irrational creatures ; that is, unto men and beasts. In this sense they say, that *Proprium bonum appetere ; Vim vi repellere*, and the like, is *de lege naturæ*. But it is one thing to speake of the law of nature,
as

as it is common (though in this sense the word *Law*, is not so proper neither :) to all naturall creatures; and another thing to dispute of that Law, which is naturall unto man properly, who by nature is rationall. Iust so some Heathen Nations of old, as *Herodotus* relates, thought they might lye together in their temples, because they saw that birds, and other dumbe creatures, that were kept in them for sacrifices, did it freely; whence they inferred that it was not unnaturall, and therefore not displeasing to their Gods; and the reason of this their inference, *Herodotus* gives, νομιζοντες (saith he :) ἀνθρώποις εἶ) κατὰ τὸν ἄλλα κίνητα, because they presumed that men and brute beasts, are all of one and the same nature: which he for his part thought very absurd. And certainly what Saint *Iude* speakes of some, wee may conclude of all men generally, that ὅσα φυσικῶς ὡς τὰ ἄλλα ζῶα ὁρίσονται, ἐν τοῖς φησινται, If men though rationall by nature, will confine themselves to that naturall knowledge, which

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is common to unreasonable creatures as well as to reasonable, they must needs leade a brutish life. I hope I may say without offence, that the ancient Stoicks were farre better Christians then so, who maintaining that mans happinesse did consist, in a life *according to Nature*, have written so many accurat tracts and discourses, to proove that all vertues (and among them *pudor*, *verecundia*, *honestas*; which this *Hunterus* doth most falsly oppose unto Nature :) are naturall unto man. They that desire further satisfaction in this point, let them read Saint *Chrysostome*, who in divers places of his workes, but especially in his Homilies *ad pop. Antioch.* handles it at large, proving by many reasons, arguments and pregnant instances, that the knowledge of the Morall Law, or, ἡ γνώσις τῶν καλῶν καὶ τῶν ὀποίων, is by nature.

Secondly, Whatsoever commeth within the compasse of reason, properly; belonging as properly to the law of nature; it must needs follow, that the law
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of nature extends of it selfe very farre ; though men through the naturall , or rather (to speake more properly and philosophically :) unnaturall corruption of their understanding, apprehend it not in its full extent. Now whatsoever falls within the compasse either of reason , or of the law of nature, is of it selfe immutable.

Naturalia jura ---- semper firma, & immutabilia permanent ; Soe saith the Civill Rom. Law ; and so all writers generally ; *Aristotle* onely excepted, who in a place seemes to say the contrary ; to wit, that *Some naturall lawes are mutable*. His words are, *Some because they see τὰ δίκαια κινούμενα*, lawes and judgements concerning that which is just and right, so different and so variable ; are of opinion that nothing is right or just in nature, but by opinion onely. *But this is not generally true*, saith hee ; *but in part it is*. For however among the Gods it may very well be, that that which is naturally just and right, is altogether invariable : yet among

us men, ὅτι μὴ πᾶσι φύσιν κινητόν. ὁ μὲν τοι
 πᾶσι. ἀλλ' ὅμως ὅτι ὁ μὲν φύσιν; τὰ δ' ὁ φύσιν,
*Some part of that law which is by nature, is
 naturally mutable: and some part of it, is not.*
 Where first it is to be observed, that *Ari-
 stotle* doth distinguish betweene *Iura na-
 turalia*, as not being all (in regard of
 men :) of one nature. And so farre we
 follow *Aristotle*. For it is well observed
 by *Thomas Aquinas*, that there are some
Iura naturalia, which may be called *fun-
 damentalia*, or *principalia*; because evident
 of themselves unto humane reason. O-
 thers as it were *secundaria*, because not so
 apparant unto man, but *elicible*, or de-
 monstrable from those fundamentals by
 humane ratiocination. The former I sup-
 pose are they that *Aristotle* would have
 immutable, but the latter not so. Some
 interpret *Aristotle*, as though hee had
 meant no more then this, that *de facto*
 some *Iura naturalia* are changed or vio-
 lated among men; though *de jure*, or *na-
 turâ suâ*, immutable; because of those
 words of his, *though happily in regard of the
 Gods*

Gods themselves immutable. But that this could not bee his meaning, may appeare, first, because hee saith, some onely are mutable, not all. Whereas there bee no *jura fundamentalia*, but *de facto* are violated, not onely by particular men, but also by whole nations, as may easily appeare to them, that shall peruse the Authors whom wee have before mentioned. Secondly, by that instance that hee brings of things naturall, wherein Nature it selfe, seemes to be unconstant unto her selfe. The right hand, saith hee, is by nature the strongest, and so it is in most men; yet in some it is not so. But more of his meaning, by and by.

Thirdly, Naturall reason being granted, by the fall of man, much impaired and vitiated, it is no wonder if all men *reasonable* by nature, doe not now agree upon the *Iura naturalia*; and it ought to bee sufficient unto any *reasonable* man, to satisfie him, that those *jura* that are so called, are truely *naturalia*, that most men and nations (though not all :) that are ci-

vilized both by their practice, and their opinions, determinethem to be so.

As for example, Some nations (civilized in other things it cannot be denied :) allowed of theft, some of adultery, or fornication ; some made no scruple of incest ; what then ? Most other nations have condemned them for it ; and abstained from these themselves , as being against Nature. That is enough to shew that they were things against nature indeed ; and enough to make any man inexcusable in the eyes of God , that makes any question of it. The extravagancie of some men, upon this subject, makes mee the more earnest herein. For whereas in reason , what is allowed by the most , should bee adscribed unto nature ; and that which by some is practised to the contrary , to the corruption of nature partly ; (which *Masonius* the Stoick , in *Stobæus* calls , τὸ ἀπὸ παίδων αἰθερὶ γεγονένον ἡμῖν ὁμοφροσύναν :) and partly to the power of long *custome* (*tanta est corruptela malæ consuetudinis ut ab eâ tanquam igniculi extinguantur*

tinguantur à naturâ dati, exorianturq; & confirmantur contraria vitia, as *Tullie* very well in a place :) Some goe a quite contrary course. What they find practised by some, they take to bee naturall; and the contrary, though there be a *major* part for it, they adscribe unto the power of *custome*. Incest is a thing that true nature doth abhorre as much as any thing; and as many good reasons, I dare undertake, may bee given to proove the unnaturalnesse of it, as for any thing that is generally acknowledged most unnaturall. And if we may beleieve some ancient Heathens, men of no small authoritie in the world, as *Aristotle* and others, even among the brutes, some of the more generous abhorre it naturally. Yet an outlandish writer of *Essayes* in his long discourse of custome would perswade us that all difference and scrupulufnes in this kind proceeds rather from *custome*, then nature; bringing this among many other particulars, as an argument of the power of *custome* among men. Many an-

cient Heathen Philosophers, I must needs say, shewed themselves farre wiser men, who though they had no certaine knowledge (as they could not without revelation :) of the fall of man ; yet from this very thing, because they saw many men every where, yea some whole nations, make no conscience at all of some things which they saw by the eye of reason were certainly against nature, concluded that of certainty, the naturall reason and understanding of man, had had a fall; though how or when, they could not tell. Many pregnant passages out of *Plato*, *Plutarch*, *Hierocles*, *Plotinus*, *Proclus*, and others might bee produced heere to that purpose, if need were, and had not already upon other occasions beene observed and treated of, (all, or most of them :) by others : And all of them agree in this, that in man himselfe is the cause of this his fall, or blindnesse of his understanding, not in him that made him. *Even hee that erreth* (in matter of life and practise :) *against his will, is impious,*

pious, in that hee disagreeeth from the nature of the Universe, ἀφορμας γὰρ περιλήφει ὅσα ἔφύσεως, ὧν ἀμυγήσας ἔχ' οἷός τε ἔστι νῦν διακρίνειν τὰ ψαδῇ ἀπὸ τῶν ἀληθῶν. For Nature had furnisht him at first with certaine instincts, prenotions and opportunities, by the helpe whereof hee might have attained to the knowledge of truth: which having neglected, hence it is that hee is now not able to discern that which is false from that which is true: saith another, (a Heathen too :) not inferiour to any of those, whom I have named.

Fourthly, As in things naturall, some things to serve the nature of the vniverse, forget and forgoe sometimes their owne particular nature; and are never more naturall in a generall sense, then when they are so unnaturall unto themselves, particularly; (so the water to prevent a vacuum, which nature abhorreth, ascends; and the like :) So must wee conceive in things Civill, a subordination *Iurium naturalium*; and of reason unto reason.

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A Treatise of Use and Custome.

It is not against reason then, that some things which considered in themselves are against reason, should in a higher and more generall consideration, proove warrantable by reason. Even by our lawes, somethings, (say our Lawyers:) may bee done warrantably for a publike good, though contrary to the Lawes otherwise. Legally therefore in regard of the Lawes, and their generall end, though illegally, because against the expresse tenor of some particular law. So the Civill Law too, tels us of a certaine *Ius singulare, quod contra tenoris rationem introductum est*; and allowes of it. It were neither; neither *Ius*, nor allowable by law, if it were against all reason; though it bee granted against some. I am perswaded, this is it, and nothing else, that made *Aristotle* say, (as wee have noted before :) that *quædam jura naturalia, were mutabilia*: but his termes are dangerous, and therefore to be avoided. It is one of the fundamentall principles of all Commonwealths, *Salus populi; suprema lex esto.*
How

How farre a man may go *pro salute populi, contra tenorem rationis*, is disputed at large, by them that have written *de Iuribus Dominationis*, whether *Monarchicæ*, *Aristocraticæ*, or *Democraticæ*. Some are too nice ; and some goe too farre ; but there is no question, but somewhat there is, that may bee done in this kind ; both by the Lawes of God and of men, allowable ; and warrantable by sound reason. Now *custome* being a thing of great force in a body politick, as well as in a body naturall, and of much importance every way, either to the peace or disturbance of any Commonwealth ; if any thing may bee done at any time rationally, *contra tenorem rationis* ; it is in point of *custome* especially. Therefore *Thomas Aquinas*, where hee undertakes to proove (which hee doth very learnedly and solidly,) that *lex* and *ratio* are all one ; yet when hee comes to the point of *custome*, hee is put to a *fortè*, not knowing well how to determine it ; *Si autem adhuc maneat ratio, eadem*, saith he, *propter quam prima lex in-*
S *utilis*

utilis erat, non consuetudo legem, sed lex consuetudinem vincit. Nisi fortè propter hoc solum inutilis lex videatur, quoniam non est possibilis secundum consuetudinem patrie, quæ erat una de conditionibus legis. Difficile est enim consuetudinem multitudinis removere. Of many customs therefore wee may boldly say, that the unseasonable altering of them is against reason; though considered in themselves they be granted to bee not reasonable. And herein is most true, and applyable that Greeke sentence, or rather Oracle, τὰ ἀκίνητα μὴ κινῆν; not easily to attempt the stirring of those things, which cannot bee stirred without much stirring; and as much hazzard, as stirring. The reason is given by *Augustus* in *Dio*, Ταῦτα γὰρ ἐν ταύτῃ μένοντα, καὶ χέρῳ ἢ συμφωρότερα τῶν ἀεὶ χειροτομιζομένων, καὶ βελτίω δοκῇ, εἶναι. *Those things* saith he, *that long continue in one and the same state,* are to be preferred before those that are ever upon changing, though it bee for the best in all likelihood. Wee see that most things enjoy their happinesse in their rest; but
above

above all things, it must needs bee more proper unto *estates* (so called from their stabilitie :) to bee happy in their settled consistence and permanencie ; as being liker unto stages and pageants, then *states* truely , when alwayes mooving and changing. And besides , not onely the happy being of an estate, but the very being of it doth depend of its stabilitie, in this kind. For *rebus novis studere* , hath alwayes beene both the marke and the refuge of ill affected malecontents , who have no other hopes to raise their ruined fortunes, but by the ruines of the present estate that they live in. *Alcybiades* therefore in *Thucydides* vi. said well, Τῶν ἀνδρῶπων ἀσφαλέστατα τούτους οἴκῃν, οἱ δὲ τοῖς πρῶτοις ἤθεσι καὶ νόμοις, ὧ καὶ χεῖρῳ ἤ, ἥκιστα διαφόρως πολιτεύοισι ; That their government is safest, to the Commonwealth, that apply themselves as much as they can to the present Lawes and *customes*, though they bee not altogether so good of themselves. In this sense must *Saint Gregory* the Pope his words bee understood , where hee

seemes to adscribe unto *custome* a power to make things that are bad in themselves to become just and legall. His words are ; *Si pravæ rei aditus antequam diu patescat, non clauditur, usu fit latior ; & erit consuetudine licitum, quod ratione constat esse prohibitum.* Greg. Reg. Epist. l. vii. Ind. ii. ep. 120.

Another consideration that should make mee the more averse from altering old *customs* is , because the reason of some , though grounded at first upon some weightie consideration, cannot equally appeare at all times , those inconveniences happily, which in former ages gave occasion to such and such *customs* being now remooved, and perchance forgotten. Therefore saith the Civill Law, *Non omnium quæ à majoribus constituta sunt, ratio reddi potest ; Et ideo rationes eorum, &c.* I remember what answer some Turkes made, as it is reported by *Busbequius* in his Epistles , being asked ~~the~~ reason of a certaine *custome* of theirs, which seemed very senseles ; to wit, That
their

their forefathers had done it of old; and as they beleevd; not without reason; though now not knowne unto them as they ingenuously confessed. I will not commend this for a good answer to all things; God forbid: In some things I thinke it may hold very well. If a Turke (to instance in some particular :) should aske a Christian, why when any doth snize in our presences (as it is practized in most places of *Europe* :) wee pray to *God to blesse them*, or to that purpose; well might hee answer, that our Christian forefathers have done it of old, and that long before them their Gentill forefathers had used it; but the reason, how, and why it first began, neither Christians nor Gentiles can certainly tell us, though divers both Gentiles of old, (as *Aristotle* &c.) and Christians since have written of it, and have done their utmost to find it out. And now that it hath beene so long practized in the World, I should, I must confesse, bee one of them that should make conscience to take it away, though I must

acknowledge with the rest, that the reason, or beginning, is unknowne unto mee. If therefore the reason of many Lawes and *customes* though very good and warrantable, and perchance necessarie, bee such nevertheles that cannot bee found out but by time and experience; It cannot be safe to resolve upon the alteration of any long continued Law or *custome*, though wee can give no reason for it, but after long and mature deliberation.

For these severall respects, it cannot be thought amisse or unreasonable, that all Lawes and *customes* should by them, that are subject unto them, generally be maintained (in a civill respect, at least :) to bee just and reasonable. And truely, whatever may bee alledged against them considered in themselves, yet in this respect they may be just and reasonable, if they bee not partiall, but extend indifferently unto all, that is, just in the execution, or application; though not in their nature. But besides, if it bee not fit to say unto a
King,

King, (be he never so bad a King :) *thou art wicked ; and to Princes, yee are ungodly,* Iob 34. 18. Why should not so much respect be due to any Law or *custome* from them, (as I said before :) that are subject unto them, who owe their peace and safetie (next unto God and the King :) to their protection, as that it should not bee lawfull for them to vilifie them, and openly to declaime against them? *Cicero* saith well, *Vt ex medicinâ nihil oportet putare proficisci, nisi quod ad corporis utilitatem spectat ; sic a Legibus nihil convenit arbitrari, nisi quod Reipubl. conducat* (and that is as much as if he had said, *nisi quod justum est*, and there is the same reason for both :) *proficisci*. However it may not be doubted by any man that is wise, that there bee many Lawes and *customs* in all countries, which though they bee well tolerated and continued for the peace and safetie of the publicke, yet cannot bee practized by particular men, (as farre forth as they may avoyd it :) with a good conscience, and without great perill
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to their souls; as being of themselves most unreasonable. And therefore the same *Tullie*, who before did teach us, how we may judge and speake of Lawes civilly; elsewhere instructing how to judge, according to truth, saith very solidly, *Stultissimum est, existimare omnia iusta esse, quæ sita sunt in populorum institutis aut legibus*: to beleeve that every *Law* or *custome*, that is in force and rigidly stood upon in every countrey, is therefore just and good, is absolutely to beleeve with the Epicureans and the like, (whom we have before spoken of :) that *reason*, and *Iustice*, is not a matter of truth and realitie, but of meere opinion and conceit. And it must needs follow, *quod si populorum iussis, si principum decretis, si sententiis iudicum jura constituerentur, jus esset latrocinari, jus adulterare, jus testamenta falsa supponere, &c.* as the same Author very well in another place of the same booke. These commendations therefore, that ordinarie Lawyers of every countrie give usually to their owne proper lawes and
customs,

customs, must cautelously be understood; or else they are very dangerous. Though some of them speake plainly enough sometime; as that incomparable Lawyer and Philologist *Cujacius*, of the *customs* of France, though refined and reformed againe and againe; divers whereof he doth acknowledge to bee grounded upon the errors of former Lawyers, though pretended to be right and just of themselves. To which purpose also I understand (with submission to himsele, and his interpretation:) the *Cujacius* of this Iland, in his *Notes* upon *Fortescu*, that the divers opinions of Interpreters proceeding from the weakenesse of mans reason and the severall conveniences of divers States, have made those limitations which the Law of nature hath suffered, very different. And hence it is, &c. Sure I am, that long before either of them, *Tertullian* taught us, that the ground of many *customs*, is either ignorance or simplicitie. His words are; *consuetudo initium ab aliquâ ignorantia vel simplicitate sortita, in usum per successionem*

cessionem corroboratur, de virgin. vel. c. i.
Hee might have added (which is added by others :) another ground of many Lawes and *customes*, which is, wilfull injustice, and want of a good conscience, the rarest thing of the world, though nothing bee more commonly pretended. It doth therefore much concerne every particular man, (them especially that take upon them to bee men of judgement and understanding :) as not to controle the received Lawes and *customes* of their countries, the alteration whereof belongeth not unto them: So to understand as neere as they may, what Lawes and *customes* are absolutely good and warrantable in themselves; and which are tolerated and maintained onely for the peace and concord of the Commonwealth. Here therefore is a maine difference to be made, betweene those things that the Law doth command, and doth oblige us unto; and those things, which if wee doe, the Law doth allow, but not command: betweene those things that wee
doe

doe as good subjects unto the King and his Lawes ; and those that wee doe of our owne inclination , taking the advantage of the Law. What Christ once said unto his Disciples , *If your righteousness exceed not the righteousness of the Scribes and Pharises*, (the strictest men for their old lawes and *customes* that ever were :) *you shall never enter into the Kingdome of Heaven* ; is in this sense applyable unto all men ; Such a Legall life, will never bring them unto Heaven. Therefore the Canonists teach us that *consuetudo* may *liberare à penis civilibus* indeed ; but cannot, *à penis gehennæ* ; if in itselfe it bee unconscionable and unreasonable. And they are not the Canonists onely , that teach us this doctrine, but even our owne Lawyers , that have taken the greatest paines to uphold the credit , and maintaine the Iustice of our Lawes. *Many unlearned persons* (saith one of them :) *beleeve that it is lawfull for them to doe with good conscience all things, which if they doe*

them, they shall not bee punished therefore by the Law, though the Law doth not warrant them, &c. and so goes on, setting downe for example some particular cases, of those things which a conscionable Christian is bound unto, *to save his soule though hee cannot be compelled unto it by the Law, D. and Stud. lib. 1. c. 19.* And in such cases (saith the same Author in another place:) *he is in conscience as well bound if he will save his soule; as hee were, if hee were compelled thereto by the Law, &c.* If there bee not then besides the Law of the Land, a law of reason and conscience to regulat our actions by, we are certainly but in bad case, in point of eternall salvation.

HAVING treated hitherto (in this second part :) of the Varietie, first; then of the power and validitie of *custome* in things civill; it will not be improper that I adde somewhat of words also, and of the power that *custome* hath
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in matter of words and speeches. For though many men for want of knowledge and experience, thinke that words are but wind, and therefore account no subject that is about words, to bee very materiall, or worthy the studie of a serious man; yet wiser men know full well that in very truth, there is nothing that setteth men on worke so much, or causeth so much stirre in the World, as *words*, meere *words* doe, and have alwayes done; that *words* have beene the occasion of many warres, by which many great Cities and Countries have beene overthrowne; that words have caused bloudy strifes and persecutions even in the Church; not *words* onely as they were intended, and should have beene understood, but even mistaken through ignorance. It was once said of some ancient Philosophers, *Sentit idem Aristo, quod Xenocrates, quod Aristoteles; loquitur alio modo, ex hac autem non rerum, sed verborum discordiâ, controversia nata est, &c.* A happy thing it were for the World, that words were well un-

derstood every where; and all λοζομαχίαι, λεπτολογίαι, σκιαμαχίαι, all strifes and contentions about words quite taken away. But that will not bee as long as the World indures; it is in vaine to wish it; though not to wish it, be the part of either an ignorant, or uncharitable man. But I have nothing to doe with words here, but as *custome*, my present subject, hath to doe with them: to wit, to shew the power of *custome* upon words, and some remarkable effects of this power.

A. Gellius saith well in a place, *consuetudo omnium rerum domina, sed maximè verborum*; and Quintillian yet more fully, that *consuetudo est certissima loquendi magistra, utendumq; plane sermone, ut numo cui publica forma est*: and againe, *Ridiculum malle sermonem quo locuti sunt homines, quam quo loquuntur, & sane quid est aliud vetus sermo, quàm vetus loquenti consuetudo?* So Horace, and divers others, who all agree in this, that vvords and all right speaking goes by *custome*. and whereas in other things *custome* (as hath beene shewed:)

shewed :) is an usurper upon right, here her soveraigntie is acknowledged to bee naturall; *right* and *custome* in matter of words and language, being in the judgement, of wisest men, but one thing for the most part. Now therefore to speake of it somewhat more distinctly.

First, *custome* makes vvords, that were but sounds before, to bee vvords, that is, to signifie somewhat. As for example it makes the sound, that those three letters, G. o. and d. being put together, doe make, to signifie unto us of this nation, the Lord and maker of all things. For of it selfe vvhy these three letters should represent such a thing, there is no ground in nature; but *custome*. It is true, the Stoicks of old were of another opinion, and it became a great controversie among Philosophers, vvwhether vvords vvwere τῇ φύσει, *by nature*: or τῇ θέσει, *by imposition* at pleasure. *Origin*, in few vvords, states the question thus; *Aristoteles sentit posita nomina, Stoici putant Naturâ esse indita, imitantibus primis editis vocibus res ipsas*
ad.

ad quas & nomina imposita sint : qua ratione & Etymologias inducunt. And A. Gellius to the same purpose, Nomina verbaq; non posita fortuito, sed quadam vi & ratione naturæ facta esse. P. Nigidius in Grammaticis Commentariis docet, rem sane in Philosophiæ dissertationibus celebrem. Queri enim solitum apud philosophos $\phi\upsilon\sigma\acute{\iota}\varsigma\ \tau\alpha\ \acute{\omicron}\nu\acute{\omicron}\mu\alpha\tau\alpha$ sint, $\eta\ \theta\epsilon\omicron\varsigma$, &c. Saint Augustine handles it at large in his *de Dialectica*, to whom and to Gellius I referre them that would know more of it. Hereupon the Stoicks did earnestly bestirre themselves to find out and penetrat into the Etymologie of every word, and to shew the reason of it in nature; but to speake truth, their labour tended rather to make sport unto the idle, then to give satisfaction unto the soberly curious. Yet the Stoicks were tolerable in comparison of some both of old and of late too, who have proceeded further, laying this for their foundation, that vvords and syllables are of great power and efficacie, and have (some say :) I know not what affinitie
and

and hidden correspondence with starres and planets. Hereupon some by a certaine art which they call *ὀνομαστικὴ* and *σειχδομαστικὴ*, undertake in the name of every man, to read his fortune, and to foretell great matters. I could not but mention such, comming so in my way; but I will no more then mention them, their opinions being so apparantly absurd. But vvhy then doth *Aristotle*, vvho determines it so peremptorily, that *φύσιν ἢ ὀνομαστικῶς ὁδὸν ἔστιν*, *that no words are by nature*, in many places stand upon vvords so much himselfe, and examine their Etymologies so carefully? To this I say, that though generally vvords goe by *custome*, yet sometimes they may bee said to bee *from nature*, or *naturall* in some sense, that is, set of purpose to set out unto us the nature of such and such a thing. There be many vvords of that nature, it cannot be denyed; in some languages more then others; but in all, some, and in this case, to understand the right Etymologie of a vvord, conduces much to the understanding

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ding of the thing it selfe. Of the nature of it I meane; but not to foretell, or foresee by it any thing future; not more then can bee knowne by the naturall knowledge of the thing it selfe. Some vvords againe may bee called naturall, because they doe when they are uttered and pronounced imitate the nature of the thing it selfe, which they signifie. So for example when wee say in Latin, *eris tinnitum, equorum hinnitum, ovium balatum, tubarum clangorem, stridorem catenarum, Perspicis*, saith Saint *Augustine*, *hæc verba ita sonare, ut res quæ his verbis significantur.* So most of them that they call *voces animalium propriæ*; for the most part, both in Greeke and Latin are naturall. Againe, *custome* doth make some words naturall, in that it gives unto them the power and efficacie of things that are naturall, to produce some naturall effects. Such are those words and sounds, whereby dumme creatures are governed; which though of themselves they be but invalid words and sounds, yet *ἐν τῇ διδασκαλίᾳ*

δασκαλία (as *Plutarch* of them in a place :) through *custome* and skilfull education, become so powerfull, that what can bee done upon dum creatures with blowes, or whips, or any other kind of violence, may bee done with them ; and sometimes more. So a man may use himselfe to tremble, or weepe, or laugh, and the like, at certaine words and sounds, which in time shall have that power over his body, that it shall not be in the power of his will to forbear. Even as the sight of whips and scourges (as wee read in ancient stories :) hath beene more powerfull upon slaves in warres, then the sight of more dreadfull and mortall weapons, because the smart of those which they often felt, as slaves, made them in time to abhorre naturally and irresistibly the very sight of them ; so words also ; Long use and *custome* may turne them into charmes, to make them operative upon nature, though of themselves they have no naturall power at all. All these things granted (whereof to discourse at large, is

not my present purpose :) it holds still nevertheless, as we affirmed at first, that generally and for the most part, words are words, that is, are significant by *custome*.

Secondly, all difference of words and phrases in point of elegancie, or barbarisme, is altogether from *custome*. Hence it is, that those expressions which in some language are most proper and elegant, in another are most ridiculous and barbarous, neither is there any reason at all for the most in nature, either for the one, or for the other, but that use and *custome* hath so determined it, whose will and pleasure stands for reason in these cases. It is true, that Grammarians have taken great paines to reduce ordinarie words and speeches to some certaintie of analogie, without which Grammar is no Art, and somewhat it is that they have done in this kind for the easier teaching and learning of languages. Yet doth *custome* herein maintaine the power of her soveraigntie upon words and speeches, in that

that when shee pleases, she breakes the rules, and strictest bonds of best approved Analogie, and suffers no rule of Grammar to passe without an exception. All matter of elegancie then or barbarisme being but a matter of *custome*, as it is no wonder to see silly people for want of knowledge, either to vvonder, or to scoffe at the expressions of other languages, vvhen they heare strangers speake the vvords of the Countrey perchance, but use their owne phrases and expressions; So I cannot but wonder that in all ages men that have beene most ambitious to be thought learned, have stood so much upon elegancie, as I find they have done. The ancient Heathens, Philosophers, and others, did object, many things, I know, against the Gospel of Christ; but I doe not find that any thing generally did in very truth make them so averse from it, as the language; most of the New Testament being vvritten in Greeke words indeed, some few excepted; but for the most part, in phrases and expressions that

are meere Hebrew ; and the Latin Translation being a mixture of both, both of Hebrew and Greeke phrases , rather then Latin , that was Latin truely, according to the *custome* of those times. So hard a thing it vvas for them, that had beene used to *Plato* and *Aristotle*, and the like, to relish such a style, much lesse to reverence it. A style nevertheles, vvhich they would have thought elegant enough, had they beene used to it ; as on the other side, that of *Plato* or *Aristotle* but course and barbarous , had not the power of *custome* interposed , and disposed their eares and palates to it. A late writer of *Essayes* treating of the power of *custome* ; after many strange instances, brings this, as I remember, among others, as one of the strangest ; That some certaine people of the World , should bee governed by Lawes that are written in a strange unknowne tongue. Certainly if the use of a strange tongue in one Countrey in point of Law (vvhich would not be much better understood, though it were in the vulgar

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gar tongue :) bee a thing so much to bee admired ; I thinke he might have found somewhat that is done in a strange tongue in many Countreys against all grounds of sense or reason, much more to bee wondred at. But whereas some others, to increase the wonder, deride and defame the said tongue as barbarous, they rather make themselves an instance of the power of *custome*, that makes them thinke so strange, and speake so scornefully of a tongue once thought very sweet and elegant, by them that were used unto it; then perswade us to wonder at others, that make no wonder of it.

Thirdly, *custome* advanceth or abaseth words at pleasure, making them that once were vile to become honorable ; and those that were honorable to become vile ; yea vvords of title, to become words of reproach ; and words of reproach to become words of title. What once *knave*, and *ballad* were in old English, when *David* was termed the *knave of the Lord* ; and *the song of songs*, called *the ballad of ballads* ;

ballads ; is yet too fresh, to be forgotten. *Notarius* was once a Title for a Secretarie of State, when Secretaries of State, were at the highest ; and then *Cancellarius* was an obscure name, and of little respect. Now it is quite contrary, and hee would bee thought (and reason he should, since *custome* hath otherwise commanded it :) to commit a monstrous solœcisme that should now use those Latine words, as they were used when Latin was in use. I doe not know any thing to the contrarie, but that men were as scrupulous to tell a lye in former ages as they are now ; nay for some reasons I should thinke more. As first, because the art of equivocation was not then knowne, much lesse the praises of it ; and againe, because as *Tullie* hath taught mee, the ancient Romans were so cautelous in their solemne attestations, as that, were they never so certaine of a thing, yet they avoyded as much as they could, *religionis & pudoris causa*, vvords of peremptorie and confident asseveration ; rather using (which hee cals *verbum confide-*

consideratissimum:) the vvord, *arbitror*. Yet a man might have told another *mentiris*, that hee did *lye*, (of the Latin vvord I find it observed by others; and of the Hebrew, wee have examples of it in Scripture, as *ii. Reg. i v. 16.*) without any great either offence, or breach of civilitie; which now to give, though but to another bee he never so vile, in the presence of a man of fashion, is greatest incivilitie. But of all things in this kind, I most vvonder at that some tell us of the vvord *Bastard*, which they say was once rather a Title of Honor, among great ones; then a note of infamie. Soe *Pontus Honterus*: *Postremò*, saith he, *quam longè abfuerit nostrorum nasutulorum opinio, ab ejus temporis nobilium sententia, vel ex eo apparet, quod nothi Burgundi è Philippo Bono nati, omiſſis Ducum, Comitum, Marchionum, Baronumq; titulis, aliis omnibus prætulerint BASTARDI nomen, scribes in armorũ Gentilitiis scutis publicè ac privatim hoc tantum modo, Corn. Ant. Phil. Bald. David, &c. Burgundie BASTARDVS. Ex*
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quo luce clarius apparet, &c. Concerning these, so ordinary now, *Clarus, illustris*, and the like, how infinitely wee are gone from their first use, hath beene observed by divers, and exactly discoursed of, as also of sundry others of the same kind, by our learned *Selden* in his *Titles of Honor*. It was once a question among Philosophers, *an aliquid turpe in verbis*; and because they could proove, as they thought, by good arguments that no vvord was of itselſe *turpe* or *obscœnum*; and that it could likewise bee shewed, that *turpe* was not *in rebus ipsis*, or *naturâ*; some went so farre as to conclude, that, *turpe nihil in rerum natura*; but in conceit and opinion onely. What arguments they used, what instances to make this good, you may read in one of *Ciceroes* Epistles, which begins, *Amo verecundiam, velut Porticus* (it is commonly printed *vel potius*, without any sense or reason; wee are beholding to learned men for this emendation :) *libertatem loquendi, &c.* But by their favour, though
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it should be granted (which I doe not :) *neq; in re, neq; in verbo*, truely and properly; yet I denye their consequence, *nihil esset tertium*: for a *tertium* here, is, *consuetudo*, which reason and nature doe oblige us unto in these cases; and hee is very really an uncivill immodest man, that doth not conforme to *Custome*, where by right it is, and ought to be unto us actually *tanquam altera natura*: that is, where *custome* is not opposite unto, but grounded upon nature and reason.

But now generally in matter of words, titles, and compliments, and the like, whether it bee the part of a civill modest man, absolutely to conforme unto the *custome* of his times what ever it be, may be doubted. I doe not find that the ancient primitive Christians made any scrupule at all, to style their Emperors though Heathen, and cruell persecuters of the Saints, *sanctos*; yea *sanctissimos*; most sacred; whereof we have some examples in *Eusebius*. For indeed *sanctus* and *sanctissimus*, were anciently, most properly attributed

to supreme powers, whether Civill or Ecclesiasticall. *Cæremonia Deorum, sanctitas Regum*, saith *Iulius Cæsar* in *Suetonius*; that as religious worship is proper unto the Gods, so unto Kings to be styled and accounted *sacred*. But *numen* and *altaria*, and the like, I wonder how Christian eares could away with; yet allowed (time was :) even to Christian Emperors, and used by them speaking of themselves; (as for example in the Code, *nostris altaribus suggestio offertur*, and, *de nostris altaribus petunt, &c.*) which is not likely their Christian eares would have borne, had not the power of *custome* hardned them unto it. Hee is not a civill man now of late yeares among us, that thinkes much to subscribe himselfe *servant*, though it be unto his equall, or inferior. Yet *Sulpitius Severus* was once soundly chid by *Paulinus* the Bishop of *Nola*, for subscribing (or rather *proscribing*, as the *custome* was then :) himselfe his *servant*, in a letter of his. But you shall heare himselfe speake, if you please, and

and what hee thought of it: *In Epistola titulo, imitari præstantem in omnibus mihi fraternitatem tuam timui; quia tutius credidi verè scribere. Cave ergo posthac Servus Christi in libertatem vocatus, hominis, & fratris, & conservi inferioris servum te subscribere: quia peccatum adulationis est magis, quàm humilitatis justificatio, honorem uni Domino, uni magistro super terram, uni Deo debitum, homini cuilibet, ne dicam miserrimo peccatori, deferre.* His words are somewhat ambiguous, whether hee meanes *uni Domino, uni Magistro*, and *uni Deo*, all of one; or rather (as I rather beleeve :) partitively, allowing us the use of this word, to those that are truely our Lords and masters upon earth. But whatever his meaning was, it is certaine that the vword is extreameley abused now a dayes; and most abused by them that know least, and care as little to learne what belongs unto true humilitie, and wherein it doth consist. Now in this and the like cases, it were happy if in all places (if all places afford such :) some of

the wiser and graver sort of men, would agree by their joynt constancie and gravity to resist both in matter of fashions that belong unto cloaths, and in those that belong unto vvords, the vanitie, ficklenesse, foolishnesse of ordinarie worldly men, vvho have nothing to busie their idle braines with, but to invent and follow new fashions. Then vvere it an easie thing for any sober man to maintaine and embrace *consensum prudentum* (as wise men prescribe in other things) the consent of some (though fewer in number :) that are wise; then *vulgarem consuetudinem*, the *custome* of the common people (ordinary wordlings I meane:) which commonly likes that best, which is worst. And certainly they should bee much to blame in my judgement that vvould not doe it. But when a *custome* in this kind (though vaine, yet not absolutely impious :) is become so generall that a man cannot avoyd it, except he will be singular; a man I thinke may safely enough (in these things which of their nature

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ture are indifferent :) condescend unto it to avoyd singularitie ; which alwayes relishes of some vwant of charitie, and is oftentimes the effects of a worse disease, pride and selfe-conceit. And so much be spoken concerning vvords.

AS God both in regard of his will, and in regard of his Nature, is absolutely immutable, in a transcendent kind of immutabilitie, beyond all comparifon ; nay beyond all imagination of man ; which Saint *Iames* to expresse in some sort, after hee had said that there *is no variablenesse* with God ; not content with that, addes elegantly, ἡ Ἐπὶ τῆς ἀποστασίας, or *shadow of turning* :) So it stands with reason, that both the worship of God, and the opinions of men touching God, should be as invariable ; at least more invariable, then any other thing, the object whereof is worldly and mutable.

Custome

Custome a man would thinke of all things in the world should have lesse to doe with things of this nature. But it is quite otherwise. For in very truth of all things in the World, there is nothing generally that goes by *custome* so much as religion doth, both in point of practice, and in point of opinions. So that there is nothing so horrible of itselſe, or so ridiculous in the judgement of reason and common ſenſe in point of opinions, which long *custome* (if men bee not very warie of it, and with beſt care and diligence uſe thoſe meanes to prevent it, that ſound reason and true philoſophie doe preſcribe :) will not make moſt plauſible and acceptable: πολλῶ χρόνῳ μὲν ὁ αἰσῶν ἔθος, ὡς οἰκεῖαν καὶ ἀγῆστον τὴν πλάνην τοῖς πολλοῖς ἀπαρίσκει, *custome* having once got the ſtrength of long continuance, inſinuates errors and impoſtures (bee they never ſo groſſe :) into the minds of moſt men under the ſhape and representation of genuine truth: So *Iuſtin Martyr*; who fetcheth hence eſpecially the origine of Idolatrie.

And

And *Origin* addes that of all *Customes*, none sticke so fast in the mind when once settled there, none so hard to bee wiped and washed off, as those which he elegantly cals τὰ αἰ' τὰ δόγματα, that is, the *customes* of *opinion* and *doctrine*, bee they right or wrong. To this wee may adde the observation of *Nicetas* the Greeke Historian, from domesticke experience, who having particularly instanced, in the ancient Christian inhabitants of the Pousgusian poole, then halfe Turkish in their rites and *customes*, concludes upon it generally, that χρόνος κρατύνει ἔθος νόμος καὶ θρησκείας ὅτιν' ἰσχυρότερον, *Long custome hath more power then either nature or religion*. Hence it is perchance that the Hebrew נדר, ὅδος properly, which often signifies *custome*, is also taken sometimes for *religion* or *doctrine*.

Now the reason why *custome* can doe more in point of religion, then it can in other things, is first, because the object of religion, is of all others the furthest off both from the senses, and from the reach
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of humane reason, which makes men the more apt, in things so abstruse and so far exceeding the strength of humane ratiocination, to content themselves with what they have received from their forefathers, presuming that they had it by some revelation, or other from above. This made *Aristotle*, who did not love to speake of things, but upon demonstrable grounds of reason and nature, not to meddle much in all his writings, with things divine; concerning either God or religion; as hee himselfe gives the reason of it, in his *de part. animalium*, *ἐν γὰρ δεῖ ὧν τις περὶ αὐτῶν, καὶ περὶ ὧν εἰδέναι ποτεῖται, πρῶτον ὅτιν ὀλίγα τὰ φανερά καὶ τὰ ἀφανήσιν.* professing there that hee preferred the knowledge of things divine, farre beyond any other knowledge; but could say but little of it nevertheles for want of certaine grounds. *Plato*, hee was altogether for Divinitie, it is true; the immortalitie of the soule, and the rewards of a godly life in the world to come, and the like, being his chiefeſt ſubject in almoſt all his Treatiſes :

tises : for which, as hee was much admired by the ancient Fathers of the Church, so in all ages hee hath beene knowne by the Title of *Divine Plato*. Yet *Plato* himselfe doth ingenuously acknowledge the imperfection of his knowledge in this kind as both deficient and uncertaine. Witnesse this divine passage of his, Τὸ μὲν οὖν ταῦτα διαχειρίσασθαι ὅπως ἔχει νόσ ἐγὼ διελέλυθα, δ' ἀρέπῃ νοῦν ἔχοντι ἀνδρί, &c. In another place hee saith plainly, that without θεῖα λόγος πινός, *some divine revelation from above*, ὃ ἀφ' ἐξιδέναι ἐν τῇ νῦν βίῳ, *to know the certaintie of these things in this world*, is either absolutely impossible, or extreame difficult. If therefore *Plato* himselfe, *cæteris philosophis gentium longè lateq; prælatus*, saith *Saint Augustine*; ὁ μόνος πάντων ἐλλήνων ἀληθείας ἀεθύρων ταύσας, *that admirable Philosopher* (saith *Eusebius* :) *who of all Heathen Philosophers and writers, was the onely, that reached unto the very porch of Irvths Sacrarie*: if he nevertheles, was so much to seeke himselfe, and so unsatisfyed; no wonder if

Y 2 ordinarie

ordinarie men, unto whom the *day starre* of heavenly truth was not, or is not yet *arisen*, have thought it their safest course in all ages, in point of religion especially, τὰ πατέρα ἑργάζειν, καὶ μεθεία ἤ, (as *Athenagoras* the Christian Philosopher speakes and shewes in the beginning of his *Apologie* ;) to keepe them closely to the rites and *customs* of their forefathers, bee they never so ridiculous and absurd.

Another reason why *custome* is so powerfull in matters of Religion, is because men for the most part, every where are for the things of this present World, as profit, or pleasure, or the like ; as for those things that belong unto their soules, they thinke of them as matters of another world indeed ; that is, as matters that doe not much concerne them , and for which they see no reason why they should overmuch trouble their thoughts. It is true, that faction and violent opposition are taken for zeale in most places ; and those men thought vulgarly very religious, that hate them most fiercely, that
are

are not of their opinions; of which kind of men there is store enough in all places, and of all professions. But religion, or faith well grounded (and if it be not well grounded, how we can be ready to give an account of it unto others, as Saint *Peter* would have us, I know not :) is quite another thing. Wee speake not here of illiterate men or women, whose capacitie (for no man is accountable for more then hee hath received, so hee make good use of it to his utmost :) doth not reach to such either preparation or examination, as both the Scriptures and right reason doe require, to proceed rationally and with judgement in such a businesse. It is to bee feared that of them that want not judgement and capacitie in other things of the world which they take more to heart, there are but few to bee found in no place, that make that use of either (all prejudice and partialitie being layd aside :) that were fitting in matter of religion. And so it comes to passe that every where and generally, though few be-

leeve it, or suspect it, yet in very truth, the beleefe of most men if it bee well looked into, is rather *custome*, then any thing else.

But to the end that the power of *custome* in matter of Religion, may the better appeare unto them that are none of the most quicksighted of themselves, nor disposed to take any great paines by the helpe of long tedious philosophicall speculations to penetrate into the truth of things, wee will here take into our consideration some one of the many religions that have beene in great use and request among men in former dayes : and of all the rest, wee will make choice of that purposely, which in the judgement of all men that were not bred and obliged unto it, hath ever beene accounted the most ridiculous, unnaturall and prodigious. I will not therefore here speake of them that have worshipped the *Sunne* and the *Moone*, and the *starres*, &c. the most glorious objects that sensuall worshippers could pitch upon ; and which
some

some ancients grounding upon a wrong interpretation of the words of *Moses*, *Deut.* 4. 19. seeme to bee of opinion that it was in some manner permitted to the Nations of the world to doe, till the comming of Christ. Nor yet of them, that have worshipped stocks and stones, the worke of their owne hands, whose plausible pretence for their grosse idolatrie hath beene in all ages, that they worshipped not the figures themselves in sight, but the invisible Deities represented unto them by those figures. Those that I will instance in shall be they, whose religion was to worship those things, which reason and nature in the judgement of all other nations hath made unto man either contemptible or abominable; the ancient *Ægyptians* I meane, whose greatest Deities by them adored with all possible reverence, were dogges, and cats; toades and crocodiles, and the like. Of whom among others the *Latin Satyrists* vvorthily,

Quis

*A Treatise of Use and Custome.**Quis nescit Volusi Bithinica qualia
demens**Aegyptus portenta colat? croco-
dilon adorat**Pars hæc: illa pavet staturam ser-
pentibus ibim**Effigies sacri nitet aurea cerco-
pitheci, &c.*

How they came first to resolve upon
such horrible worship, they that have
most curiously searched into it, as *Diod.*
Siculus, and others, could never, though
they purposely conferred with the most
learned Ægyptians of those dayes, find
out certainly. It is most likely, that they
were at first compelled unto it by their
princes and governours for some politick
ends and considerations. But in after
ages, when this worship, how strange
and uncouth soever at first, was once be-
come customarie and hereditary unto
them, with what approbation of judge-
ment and affection of heart (to the ready
forsaking of their goods, lives, and liber-
ties

ties for it :) they then did embrace and practise it, ancient histories, such as cannot by any sober man bee questioned, beare record unto this day. I will not bring here what we read in some of them, because it may be questioned with more colour, of great advantages in wars wittingly and willingly forgone by the Ægyptians by reason of their superstition; yea how they have chosen rather to yeeld themselves unto their enemies, when they might have had the best of it, then to violate though but the bare signes and pictures of those beasts which were sacred unto them. But the testimonie of *Diod. Siculus*, (whose words among others, are ἔτι δὲν ταῖς ἀνθρώπων ψυχαῖς ἐντέτηκεν ἢ πρὸς τὰ ζῷα ταῦτα διδασκαλίας, καὶ τοῖς πάρεσσι ἀμεταμέτως ἕκαστος δέχεται) πρὸς τὰ τέτων, πρῶτον, &c. *This superstition of theirs cleaveth so fast unto their soules* (or, is so penetratively infused into their very soules :) *and so immoovably bent and affected are they every one of them to the worship of these creatures, &c.)* and those instan-

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ces that hee brings, whereof he was an eye witnesse, of their zeale to their religion, no man can question with any colour of reason. And *Tullie* speakes of it, as of a thing known to all the World, and whereof examples were obvious in his dayes; *Aegyptiorum morem* (saith he, and marke by the way, that hee calls it *morem*; by which word he closely adscribes it unto *custome*;) *quis ignorat? quorum imbutæ mentes pravitatis erroribus, quamvis carnificinam prius subierint, quàm ibim aut aspidem, aut felem, aut canem, aut crocodilum violent; quorum etiam si imprudentes quippiam fecerint, penam nullam recusent.* Such was their zeale to their religion, against nature, reason, and common sense, grounded upon *custome* onely: whereby it may appeare, that bare zeale, without due observation of other circumstances, is but a weake and uncertaine triall of the Truth.

Now to instance (as I have formerly:) in some things of our dayes likewise, and in our owne practise; it will
bee

bee hard for me to find an instance that will be generally thought so pertinent, because though the matter bee of itselfe never so strange, yet *custome* having made it familiar, it will not seeme strange unto ordinary men, whose understanding, though they know it not, is blinded by it; the more dangerously blinded, the lesse they suspect it to be so. But to them that are yet free, or at least will hereafter use the meanes to vindicat themselves into the libertie of a sound judgement according to truth and reason: to them I dare boldly say, that it is not more strange (not more strange; I say no more:) either that some people of the World should worship no God at all; or that some should with those ancient Ægyptians, whom we have spoken of, worship *dogs and cats* for their Gods; then that Christians, contrarie, not onely to reason and even common sense it selfe, but also to the direct example of Christ, the founder of their religion, should behave themselves so prophanely in their Churches

ches erected to the honour of their God ; and make so little reckoning of them , as they doe in many places of *Europe* ; and not onely doe it , but in some places (which is strangest of all :) thinke themselves the purer and sounder Christians, that they doe so. Were it but for the sake of Jewes and Gentiles, who cannot but abhorre that Religion, that allowes of such profanesse in and about places dedicated to the worship of God ; were there no more in it then so ; Yet it is apparantly against the lawes of true Christianitie (which of all others, are most severe against all wilfull scandals :) that such irreverence should be allowed. I am the bolder to say, that it is against true Christianitie, because I know it was not so, when true Christianitie did most flourish. And truely, he that should have seene in the times of the primitive Church devout Christians not daring so much as to touch a *Bible* without first washing of their hands in token of reverence ; and in their Churches in great humilitie

militie stooping sometimes to the very ground, (whence as I take it, are those *ἀσπασμοὶ τῶν ἁγίων ἐδάφων*, *salutations*, or *kissings of the holy pavements*, mentioned in the *Ius Orientale* :) yea directly, *terram fronte concutientes*, as Saint *Augustine* speaks in a place; or as Saint *Chrysostome*, *ὥσως ἐαυτοὺς ῥιπνοῦντας, καὶ τὰς μετὰ πρὸ τῶν ποδῶν τῶν ποδῶντας*, *prostrating themselves quite downe, and beating the ground with their foreheads*, (which though it were not absolutely required of any, but such as were either to bee baptized, or did solemne penance; whence *μετάνοια* for *prostratio*, as *Billius* hath long agoe taught us : yet was voluntarily performed by them of the devouter sort, as appears by Saint *Chrysostome*, tom. vi. λεγ. ξή. who calls them there *αὐτοδαίμονες καὶ διεγρηγμένους*, that did it, in opposition to *cold careles worshippers* :) and the like : And should now see holy *Bibles* prophanely tossed up and downe as they are; ordinarie men entring into Churches, with such gesture and countenance, rather as if they entred with authoritie to

disposseſſe God, then to *humble* themselves before him; and in time of divine service carrying themselves in them accordingly; moreover, divers making no conscience to doe that about and against consecrated walls of Churches, which common civilitie doth prompt us to forbear about private houles, those of our betters at least; certainly he would hardly be brought to beleieve that things so contrary could proceed from men of the same Religion; or rather indeed, to beleieve; that men that had any sense of any religion at all, be it what it will, could be so securely and senselessly prophane. However, though it bee not unlikely in this atheisticall age, that many doe it because they *have said in their hearts that there is no God*; and in this sacrilegious age of purpose, because it concernes their profit and ungodly designes, that consecrated places bee made common, and profaned; Yet God forbid wee should judge so uncharitably of all that offend in this kind; but rather judge and beleieve, that it is nothing

thing else but the power of *custome*, and the want of due consideration, that leads them into it, and makes them insensible of their impietie. One thing I am sure of, what ever wee thinke of the busines, that Turkes and Pagans (what advantages soever wee have over them in other respects :) may sooner hope to bring us in time to their religion, by their outward apparant reverence and devotion in duties of religion; then we hope ever by all our knowledge to doe good upon them, as long as wee continue so prophane. I presse it the more, that the power of *custome*, which makes us so unsensibly (though otherwise, I make no question, many of us affectionately desiring the conversion of Iewes and Gentiles :) to passe over all these considerations, and to doe still what we have done, bee it right or wrong; may the better appeare.

So much being spoken hitherto of the power of *custome* in matters of religion, and having sufficiently (as I conceive) shewed

shewed it here also to bee great; wee are now (according to the method that wee have followed in the two former parts :) to proceed to the consideration of the validitie of it, according to right and reason; and that both in point of doctrine, and in point of practise; that is, in the *agendis* and the *credendis* (for there is no Religion but hath these two parts :) of Religion. And herein as of my selfe I am very willing to be but short; so when I consider the things themselves, I doe not see that I shall need to be very long. For Religion, though it goe beyond Nature and policie very farre, yet it is grounded in part upon the same foundations, as both Nature and policie are. As for example; particulars in things naturall, must yeeld and conforme to the generall if need bee, though it be against their owne particular nature. So water to prevent a *vacuum*; and the like. A maine ground of policie, *Salus populi suprema lex esto*. So in matter of Christianitie too: as it is, fully both
and

and very elegantly, expressed by Saint *Chrysostome* in these words, Τοῦτο χανῶν χειρισμὸς τῷ τελειοτάτῃ, τῷ ὅρῳ ἡκειβω-
μῶς, αὐτῇ ἡ κορυφῇ ἡ ἀνωτάτῃ, Τὸ, τὰ κοινῇ
συμφέροντα ζητῆν. *This is the rule of perfect
Christianitie, this the utmost bounds, (or,
exact definition :) this the highest top of it,
to seeke those things that are profitable to
the publicke.* Many things therefore for-
merly delivered, are here applyable.
But yet to expresse my selfe somewhat
more particularly herein also, we thus
briefly;

First, In those things that are of the
very substance of religion, and trench up-
on the principall end of it, whether in
matter of practise or doctrine, *custome* is
not considerable.

The end, as all men know that are
wise, is the principall thing in all things.
And to this purpose is *Aristotles* doctrine
in the first of his *Ethicks* of difference of
ends, some principall and absolute
(which in his phrase wee may call *ῥαχι-
τεκτονικὰ τέλη*;) some secundarie and sub-

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ordinat,

ordinat, of very good use and moment. In the holy Scriptures, though a man meete with many changes, varieties, and alterations, according to varietie of times and places; yet hee that shall read and observe them with due care and diligence, may observe *the great things of the Law*, as one of the Prophets calls them; or as it is in the New Testament, τὰ βαρύτερα τῆς νομῆς, *the weightier matters of the Law*, to be still the same. These to understand truely, and carefully to practise, is true Religion both and happines.

Secondly, In things externall conducing more or lesse (so they conduce, though but in a lesse degree; and not crosse directly:) to the maine end, superiors may yeeld, sometimes if they see occasion; and inferiors if wise and rationally, must alwayes submit unto *custome*; though otherwise of it selfe, perchance, not so fit and commendable.

Superiors cannot propose unto themselves a better example to imitate, then God himselfe. God did indulge many things

things unto the Iewes, which otherwise hee would not have liked, because they had beene long used to the superstitions of the Ægyptians. So say divers of the Fathers; and rightly, I thinke: and this in God, they call properly, his συγκατά-
βαιν, or *condescension*. Of Christ and his Apostles something might bee said, and hath beene said by others to this purpose. But certaine it is, that the ancient Fathers of the Primitive Church, men Apostolical, and others (as it is acknowledged by all men that know any thing of Antiquitie :) in instituting rites and ceremonies Ecclesiasticall, had great respect unto those rites and *customs*, whether sacred or Civill, that the first Christians had beene used unto, before their conversion unto Christianisme. Now if this course bee warrantable; where the change is absolute from one Religion to another; it must needs bee more plausible and expedient in point of reformation; wherein the more we yeeld unto *custome* in things not so substantiall, the more likely wee

are to speed in the redresse of more materiall abuses. As for inferiors, to them properly belong the words of Saint Augustine, *In iis rebus de quibus nihil statuit scriptura divina, mos populi Dei, vel instituta majorum pro lege tenenda sunt.* In those things that are not apparantly contrary to the word of God, for private men, though otherwise upon grounds never so plausible to oppose their opinion to either *custome* or *authoritie*, whereby the peace of the Church may bee in danger; though it may goe for zeale in this World, yet certainly in the world to come, and before an higher Iudge, it will be found (and for such punished, I feare) either grosse wilfull Ignorance, or extreme arrogancie.

Thirdly, In matters of doctrine and truth, though every truth bee precious of itselfe, and ever to be preferred before any privat ends, yet all truth is not alwayes seasonable to be divulged, where the error is generall, and cannot bee opposed without much scandall.

As

As there be *customs* in matter of action, so in matter of opinion too; since (as hath beene shewed :) opinions goe by *custome*, as much as any thing: Whence it is that in the *Ius Orientale*, you shall find τὰ ἔθνη, or, *customs* divided into ἔθνη δογματικά, that is *customs* in point of doctrine, and ἔθνη ἐκκλησιαστικά, *customs* in point of discipline, or practice; that is, rites and ceremonies. In matter of opinion then the power of *custome* is in some degree considerable, as well as in other things. Civilians tell us, that *Error aliquando jus facit*; and our common Lawyers also; that a *Common error* by their Law, for publicke quiets sake goeth for a Law. Finch of Law, p. 40. I will not stand to examine upon what ground they speake it; because I doe not meane to ground upon them; though I could not but take notice of their words by the way. *Nolite sanctum canibus*; and, *keepe thy faith to thy selfe*, (not generally to be understood, wee doe not meane, but in some cases onely :) and some other such passages, are more to our

purpose by farre, then any thing that the Law either common or Civill can tell us. But the argument is ticklish. I leave the rest to the Angelicall Doctor in his 22^x. q. 43. a. 7. *Vtrum bona spiritualia sint propter scandalum dimittenda.* So farre at least, I could wish al men would take it to heart, as not easily for their owne onely privat ends and purposes (as many are ready to doe :) to vent abroad either old things justly and legally antiquated; or new things of their owne devising (the unhappy fruits of extravagant braines :) that may any wise tend to innovation, and to the prejudice of publicke tranquility.

My conclusion is this, That it is the part of a wise rationall man, as to consider diligently how farre forth *custome* both in matter of Religion and in other things is considerable, lest hee trouble himselfe and others without cause: So to consider as diligently wherein it is altogether against reason, lest conforming to the vulgar in those things, hee himselfe become one of them; that is, a man that is led by
custome

custome and not by reason; which is as much (if we may speake freely :) as if we said, a thing that hath the shape of a man, but may more truly & properly be called a brute. And because this cannot be done without much labour and search, I must exhort all men that thinke truth and reason so much worth, to spare no paines, no studie, if they meane to speed. It is true, we live in an age, when Idlenesse is so much in fashion among all sorts of men, that it is a hard thing for any man of what profession soever, to bee industrious more then ordinary, and not to suffer, even in his reputation, for it. Which cannot but bee a great discouragement unto many, who otherwise as rationall men, have a good mind to improve themselves in their better part. But let them propose unto themselves the examples of men famous in former ages for their indefatigablenes in this kind; and let them consider withall, that the reward is great. Though they adspire not to bee famous in the World, nor ever live to benefit

nefit others by their paines (which nevertheless all good men must propose unto themselves, if it may be:) yet they shall not loose the fruit of their labours. If others doe not, yet themselves (which is the maine :) shall reape them. Τὸ γὰρ λογικῆς ψυχῆς ἴδιον, for it is the priviledge (as is observed by some of the ancient worthies:) of a soule that is reasonable, (a rationall man, he meanes;) Τὸν καρπὸν οὐ φέρει, αὐτὴ καρπεύεται (Τεὶς γὰρ τῶν φυτῶν καρποὺς, καὶ τὸ ἀνάλογον ὅτι τῶν ζώων ἄλλοι καρπεύονται :) τῶν ἰδίων τέλους τυγχάνει, ὅπως δὲ τῶν βίαις ὡς ἐστιν ὁμοιωμένη : *that whereas plants, trees, and other creatures, that are not reasonable, beare unto others, and not for themselves, shee reapes her owne fruites; and whensoever, or wheresoever her life doth end, be it sooner, or later, she may have her owne end nevertheless.* With which words, wee shall here end.

FINIS.

An addition to page 85. by reason of a
new booke, intituled *Etruscarum*
Antiquitatum Fragmenta,
Which came since to the
Authors hands.

Speaking there of notable *Impostors*,
that have done their best to cheat the
World by supposititious writings, by
what chance, of all the rest, (there being
but too much choice of instances in this
kind :) I chanced to instance in *Annius*
Viterbiensis, I know not. But since it was
my chance so to doe, I thinke my selfe
bound in many respects to take notice
here of a certaine booke, inscribed, *E-*
truscarum Antiquitatum Fragmenta,
which since this *Treatise* was written and
licensed, came first to my hands, and, for
ought I know, into the Realme. It is a
booke *in folio*, (as wee use to speake :)
somewhat larger, then it is either thicke or
long; consisting of 284. pages, besides an
ample *Index*, and a long *Preface*; printed
upon faire thicke paper, and in as faire, or
B b fairer

fairer a letter. Besides some mappes, it hath many cuts and prints, divers whereof are in brasse. Were but the tenth part of those things that are there exhibited, true and ancient indeed, as they are pretended, the booke might very well bee worth 30. or 40. shillings to be bought; neither is there, I thinke, any true Philologist, or lover of learning in generall, that would grudge to purchase it at that rate. But in a word, as the Græcians were wont to speake, *αὐτὰρ ἄγετες ἡμῶν ὁ Σωκράτης*, the Title indeed, and the specious dresse, and furniture of the Booke, promise great Treasures; but those Treasures, well looked into, proove but meere trash, and childrens bables: if I may so call such impudent, shameles, unconscionable trumperies and forgeries, such as might have better proceeded from profest Heathens (though I doe not thinke there have ever beene many heathens in the world so absolutely godlesse and voyd of conscience, but would have beene ashamed to have beene the authors of them:) then men
that

that professe themselves to be Christians.
Me thinkes if these impudent jugglors,
did so farre presume upon the ignorance
and simplicitie of us *Transalpines*, (as once
they were wont to speake in scorne of all
that were not Italians;) as to beleeeve that
wee would swallow all downe readily
without any suspition at all; yet they
should have considered, that Italy affords
many learned men, (the present Pope
himselſe, a man of excellent humane lear-
ning: who as they cannot but presently
find, so certainly will heartily detest such
abominable practises. But since the at-
tempt was so great and dangerous, (no
lesse then the confounding of almost all
Histories and Historians of the world;
and in a manner of all truth :) it is Gods
great mercy, that the undertakers were
such, as had more will then skill to cheat,
and so might easily be discovered. For of
all those 284. pages, I dare say there is not
any one page (scarce any one line of any
page :) but upon due examination, will
afford, not to a profest Antiquarie onely,

but even to an ordinarie Schollar, sufficient arguments and evidences, whereby to evince the spuriousnes and fallenesse of the Title. If any man would be so idle as to gather together all that can, out of the booke it selfe, bee said against it, hee might easily make a booke *in folio* tenne times as big as it. For my part, all that I have to say here upon it, is but to let you know, (which perchance every body will not presently take notice of :) that *Annius Viterbiensis*, that infamous Impostor that wee have spoken of, though dead himselfe long agoe, is the very first originall ground and fountaine of all this Imposture. Read him, (if you can have so much patience :) his *Catonis Origines* and his *Comments* upon them, and it will clearely appeare unto you, to bee as I say. So apt are pleasing fables, to propagate; and so hard (be the Truth never so cleare and apparant :) to bee rooted out of the mind and soules of vulgar men; especially when their vanitie and foolish ambition, either for themselves or for their
Coun-

Countrey, hath some interest in the creditie of those fables. Grounding upon the same *Annius Viterbienfis*, did one *Bernardinus Baldus Urbinas* long agoe (for I find, it hath beene printed though I never saw it yet my selfe, but as I have it, that is, *Manuscript* :) adventure to set out an Interpretation (with Notes upon it :) of that *Aenea Tabula Eugubina*, or ancient *Inscription*, found in *Eugubium* in Italy, and conceived by some to bee written in the *Etruscan* tongue and character : though *Gruterus* in his *Thesaurus* seeme to bee of another opinion. It was a bold attempt, that too ; yet more bold then dangerous, or of any great consequence ; and the Author himselfe, (to doe him no wrong :) was so modest yet, as to call it all, but his *Divinatio*. But these late *Etruscan* Impostors, have gone beyond all that ever were heard of in the World, in boldnesse, and licentiousnesse of counterfeiting ; even beyond *Annius Viterbienfis* himselfe, I would say ; but that in very Truth, as I have already said, they are

but his of-spring, and the unhappily continued fruits of his first Chimæricall conceptions. Well, if these men (worſe then any *κατάρματα*, and *publici odii victima* :) doe not deſerve with all poſſible rigor and ſeveritie to bee proceeded againſt, *tanquam generis humani hoſtes*, as ſworne and profeſt enemies to that which is the chiefeſt good, and happineſſe of ratiōnall men upon earth, that is, *Truth*. I know not who ever did. And ſo I leave them to the judgement of others, in whoſe power it is to deale with them according to their deſert.

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Sa: Baker.

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